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Pausa 30, 1897 (Saka)

LOK SABHA DEBATES

(**Fifteenth Session**)

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1

LOK SABHA

Tuesday, January 20, 1976/Pausa 30, 1897 (Saka)

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

रेलवे को हुई हानि

*185. श्री भूल चन्द डागा : क्या रेल मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या इस वर्ष रेलवे को हानि हो रही है ।

(ख) यदि हां, तो इसके क्या कारण हैं और चालू वित्तीय वर्ष के अन्त तक कितनी हानि होने का अनुमान है ; और

(ग) क्या सरकार इस हानि के कारणों की रोकथाम के लिए उपाय कर रही है ?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) to (c). The Revised Estimates for the current year and the Budget Estimates for the next year are in the process of finalisation. It is too early to indicate the precise position of end financial results for 1975-76. Full details will be submitted to the House when the Railway Budget for 1976-77 is presented.

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श्री भूल चन्द डागा : 1963–64 में रेलवे में कुल खर्चा 2634.2 करोड़ रूपये था; जब कि 1973–74 में 4791·4 करोड़ रूपया खर्च हुआ । 1963–64 में एक कर्मचारी पर ऐवेरेज खर्च 1989 रूपये था, जब कि 1973–74 में वह खर्च 4033 रूपये हो गया । मेरा प्रश्न यह था कि क्या रेलवे लास पर चल रही है या नही । मंत्री महोदय ने पिछले बजट मे कहा था कि रेलवे को लाभ होगा । मैं यह जानना चाहता हूं कि क्या रेलवे इस साल घाटे मे चल रही है या नही, इस घाटे के क्या कारण है और इन कारणों को दूर करने के लिए क्या कदम उठाये गये है ।

अध्यक्ष महोदय, अगर आप हमे प्रोटेक्शन नही देंगे, तो मिनिस्टर लोग ठीक जवाब नहीं देंगे, या ईवेसिव रेलाई देंगे ।

श्री मुहम्मद शफी कुरेशी : रेलवे मे मुनाफे या नुकसान का अन्दाजा महीने के महीने नही लगाया जाता है, बल्कि वह साल के आखिर मे लगाया जाता है । यह फिनाशल यीअर फरवरी मे खत्म होगा । श्री डागा कहते है कि नुकसान ही नुकसान होगा । लेकिन मुझे वैसी उम्मीद नही है । मुझे उम्मीद है कि हालात काफी सुधर गये हैं और काफी अच्छे होंगे ।

SHRI M. C. DAGA: Sir, it will be seen that while the unit cost has gone up from 62 per cent to 136 per cent over the period 1961-62 to 1973-74 the unit earnings have increased by only about 47 per cent during the same period.

क्या मिनिस्टर साहब बतायेंगे कि इस एक्सपेंडीचर को करटेल करने के लिए रेलवे मंत्रालय और रेलवे बोर्ड ने कौन कौन से कन्क्रीट स्टेप्स लिये हैं ?

श्री मुहम्मद शफी कुरेशी: यह कोशिश तो लगातार रहती है कि हम खर्चे कम करें और आमदनी बढ़ाने के जरिये को बढ़ावा दें। खर्च को कम करने का एक तरीका यह है कि नये मुलाजिमों की भर्ती को कम किया जाये। दूसरे, वर्कशाप में खर्च को कम किया जाये, फ्यूअल और कोयले की इकानोमी हो। इन बातों पर पूरा ध्यान दिया जा रहा है। मैं समझता हूं कि खर्च में कमी भी हुई है।

SHRI P. M. MEHTA: I would like to know from the hon. Minister whether it is a fact or not that because of slump in certain industries the traffic has considerably declined resulting into probable losses and because of the contracted purchasing capacity the consumer goods are not moving from one place to another causing decline in the traffic.

SHRI MOHD. SHAFI QURESHI: The traffic trends as indicated in December 1975 indicate that railways have loaded 17 million tonnes which is an all-time record. So, it is wrong to say, there is recession and goods are not moving. There is another all-time record, namely, 25,000 broad-gauge and about 6,000 metre-gauge wagons were loaded everyday in December.

श्री डी० एन० तिवारी : मिनिस्टर साहब प्राफिट और लास के एकाउंट अभी नहीं बता सकते। वह साल के अंत में ही देंगे। लेकिन वह ट्रैंड तो बता सकते हैं— पैसेंजर ट्रैफिक और गुड्स ट्रैफिक में नफे का ट्रैंड है या घाटे का ?

रेल मंत्री (श्री कमलापति त्रिपाठी): खर्च भी बढ़ा है और आमदनी भी बढ़ी है। नुकसान होगा या फायदे में रहेंगे, यह बजट के वक्त ही बतायेंगे।

SHRI SOMNATH CHATTERJEE: The Minister has told us that he is still in the process of computation of the total expenditure that has been incurred or will be incurred by the railways. May I know from the hon. Minister whether any scheme was put into force by the Ministry of Railways to give an increment or reward to the so-called loyal staff during the May, 1974 strike? To how many persons such awards were given and what is the total amount which has been spent on that and the recurring amount involved and also whether the sanction of the Ministry of Finance was taken for making those awards or increments?

SHRI MOHD. SHAFI QURESHI: This question does not arise from this question, but I would certainly say that loyal employees have been awarded and they will be awarded for their loyalty and the question of finding money is not a problem for the railways.

SHRI SOMNATH CHATTERJEE: The question arises out of the losses of the railways. We understand Rs. 11 crores have been spent like this.

SHRI MOHD. SHAFI QURESHI: I do not have the information available with me now. I will supply the same later on.

Agreements with O.P.E.C. for Joint Ventures in Oil Exploration

*192. SHRI P. NARASIMHA REDDY: Will the Minister of PETROLEUM be pleased to state:

(a) whether agreements have been concluded with Organisation of Pet-

roleum Exporting Countries for joint exploration and exploitation of oil in those countries on long-term delivery commitments, concessional price and credit basis; and

(b) if so, the main features thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF PETROLEUM (SHRI ZIAUR RAHMAN ANSARI): (a) and (b). No agreement has been concluded with the Organisation of Petroleum Exporting Countries for joint exploration and exploitation of oil resources. However, Oil and Natural Gas Commission is exploring for oil in Iran (offshore) and Iraq (on-shore).

In Iran, Oil and Natural Gas Commission (ONGC), through its wholly-owned subsidiary, Hydrocarbons India Ltd. (HIL), holds 1/6th of the equity in a joint venture with National Iranian Oil Company (NIOC), Phillips Petroleum Co. of USA and AGIP of Italy. In Iraq, ONGC is exploring on its own. The Commission is to render technical, financial and commercial services to Iraq National Oil Company (INOC) for exploration/exploitation of petroleum in a specified area in Iraq, the marketing of petroleum produced therefrom, etc. In the event of commercial discovery and production, all costs would be recoverable from INOC, and the ONGC will be remunerated for its services through its right to purchase certain specified quantities of crude oil produced from the area at a concessional "guaranteed sale price."

SHRI P. NARASIMHA REDDY: May I know from the Minister when was the agreement entered into for exploration arrangements that have been entered into with the OPEC countries and what is the progress or the results achieved so far in this direction?

THE MINISTER OF PETROLEUM (SHRI K. D. MALAVIYA): So far as Iraq is concerned the agreement was concluded many years ago and we are one of the partners in the Arab world. Our share in the last year has been about .6 million tonnes which we are bringing here for refining.

SHRI P. NARASIMHA REDDY: Sir, when the hon. Minister visited some of the OPEC countries, I do believe, he had meaningful discussions in some of these countries keeping this aspect in view. I would like to know whether during his recent tour did he explore further possibilities in this direction not only of exploration of oil but for joint manufacture of oil derivatives like fertilisers and other petrochemical industries for which there is scope and provided there is response from these countries our country can forge ahead in this direction?

SHRI K. D. MALAVIYA: Yes, Sir. Several questions in connection with crude oil processing and research were discussed and some purposeful discussions did take place but we cannot say what the result will be in the near future.

SHRI H. N. MUKERJEE: In view of the fact that we do have friendly relations with these countries and cooperate in the direction of exploration and exploitation of oil, may I know whether we have been able to secure from these oil producing countries concessional conditions in regard to our own requirements comparatively to whatever they do in regard to other elements of the world market?

SHRI K. D. MALAVIYA: We have been trying to negotiate for the supply of crude oil at as reasonable terms as could be agreed upon between the two countries. From some countries some concessions are available to us but occasionally they are also finding it difficult to carry out those conditions

on which they have been supplying to us. It is a ding-dong talk between us and the Arab countries and sometimes we succeed and sometimes we are not able to succeed.

SHRI DINEN BHATTACHARYYA: May I know whether as a result of this agreement which is going on, whether, as a result of this agreement in process, we have got any crude at concessional price and what its impact on our retail sale of petroleum products in this country?

SHRI K. D. MALAVIYA: Which agreement is he specifically referring to? I have been going to several countries.

SHRI DINEN BHATTACHARYYA: The agreements that you are now having with oil producing countries.

SHRI K. D. MALAVIYA: Well, as I said, there is a specific point on which I can positively answer this question as to what was the concession. There is always a talk. Whenever it is convenient for them, for the friendly countries like Iraq or any other countries, they supply oil at a concession. If they can supply us some oil at concession, they try to do so but if they cannot, they frankly say that they cannot supply because they have got their own development problems. Every country is busy developing its own resources and is carrying on its planning programme. So, whenever they are able to supply oil at some concession, we will get it at a concession.

SHRI K. HANUMANTHAIYA: Sir, the hon. Minister has said that sometimes he has failed and sometimes he has succeeded. Will he be pleased to let us know in how many negotiations he has succeeded in bringing concessions to India and in how many he has not been able to bring concessions?

SHRI K. D. MALAVIYA: Sir, it is a continuous process. I quite often go to various countries. In some specific cases we do fail to get positive results, sometimes we succeed and sometimes we do not.

SHRI K. HANUMANTHAIYA: My question was specific.

West Bengal Government's Proposal for Rail-cum-Road Bridge to Kalyani

*196. SHRI H. N. MUKERJEE: Will the Minister of RAILWAYS be pleased to state:

(a) whether the Railway Board has turned down West Bengal State Government's proposal for rail-*cum*-road bridge to Kalyani;

(b) whether about three years back this project was cleared; and

(c) if so, why this has been dropped now?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) Yes, Sir.

(b) No, Sir.

(c) Does not arise.

SHRI H. N. MUKERJEE: Sir, may I know the reasons why Railway Board has not found it feasible to agree to the West Bengal State Government's proposal for this rail-*cum*-road bridge to Kalyani because this has relation not only to the development of railway communication, but also the economic development of the region concerned? May I know the reasons which have led the Railway Board turning down this most reasonable idea?

SHRI BUTA SINGH: Sir, there is no concrete proposal received by the Railway Board. There has been constant thinking over the utilisation of this railway bridge known as Jubilee railway bridge. Railways have been

strengthening this bridge constantly and we are trying to remove the speed limit at present fixed because of want of line capacity across this bridge. Now, it is not thought that this bridge is weak to handle the future traffic also. There is no proposal at the moment before the Railway Board and no proposal as such has been turned down. The only thing is that the railways feel that this bridge can be utilised by strengthening and restructuring.

SHRI H. N. MUKERJEE: It is fantastic, Sir. The Minister should be aware of the condition in which the bridge is there between Bandel and Naihati. It is in a most derelict condition and has there been any idea of the possible development of the railway communication system in that part of the country? They should have done something about it. The Minister should know how the complex is run across the bridge. If the greater Calcutta region is to be served at all efficiently by the railway system, the communications have got to be improved and this rail-*cum*-road bridge across the river is extremely important. I do not understand why they have taken a stand on ceremony and say that this is not under consideration. Is it not the railway's business to look after the development of railway system in this region? How can this fantastic state of affairs be permitted to continue?

SHRI BUTA SINGH: There was a proposal to have a rail-cum-road bridge and a team was set up to study the feasibility of this project. It was suggested that the existing bridge may continue to be used for running the present traffic. The cost of the scheme as recommended by the railways was Rs 10 24 crores and the work was also discussed with the Eastern Railway in 1974 and it was decided to accept this provisionally and it was intended to make some provision in the 1975-76 budget also. But this could not come about because the State Government did not come with a precise scheme.

SHRI KRISHNA CHANDRA HALDER: You are aware that Greater Calcutta is over-crowded and we do not know whether the underground railway will come in the near future or not. In the British period a bridge over a Hooghly now called Vivekananda Bridge and a bridge from Bandel to Naihati were built But after 1947 no bridge has been built by this Congress Government in West Bengal. For the development of the eastern region and to remove the bottlenecks of the railway system in that area, may I know whether the government will reconsider the matter and clear the objection of the Railway Board to construct this rail-*cum*-road bridge near Kalyani over the Hooghly river? May I know when this work would be started?

SHRI BUTA SINGH: The hon. member has mixed up many questions in one. We consider the eastern region as most important for the development of railways. It is not true that we have not built any bridge there. Offhand it will not be possible for me to give details. About this rail-*cum*-road bridge at Kalyani, at the moment there is no such proposal precisely before the Railway Board or the Eastern Railway. It will be difficult to say anything in the absence of such a proposal. But in future if such proposals come, we will certainly consider this proposal with sympathy.

SHRI B. K. DASCHOWDHURY: The Minister of Railways has not only to consider transportation by rail, but also to improve the communication and transportation facilities in consultation with other road transport organisations. As a matter of fact, in a number of cases the railways are helping other road transport organisations. I want to know whether the railways by themselves will have a projected report as to what will be the demand

for transport, whether by road or rail in that particular zone. For improving the means of communication between Calcutta and Greater Calcutta region, there must be a sort of double-storyed rail-*cum*-road bridge. The Minister said that at one time it was decided that in the 1975-76 budget itself certain amounts will be earmarked for this. May I know why it was not done and whether the earlier proposal will be revived by the Railway Ministry?

SHRI BUTA SINGH: The hon. member has made some suggestions for development of rail-*cum*-road communication in that region. I have taken note of them. Regarding my earlier reply that a certain amount was earmarked, it was subject to the survey report be adopted, which was never adopted. That is why it could not be taken in hand.

R.P.F. Personnel Killed or injured in Encounters with Criminals

*197. SHRI HARI SINGH: Will the Minister of RAILWAYS be pleased to state:

(a) the number of R.F.P. personnel killed or injured in the course of their duties in encounters with criminals in 1974 and 1975; and

(b) the nature of facilities and benefits given to the heirs or dependents of such personnel?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) and (b). A statement is laid on the Table of the Sabha.

Statement

(a) 4 R.P.F. personnel were killed and 128 injured during 1974 in encounters with criminals whereas 5 were killed and 96 injured during 1975.

(b) (1) The following facilities are given to the heirs or dependents of the deceased R.P.F. personnel:

(i) *Ex-gratia* payments are made by the Railway Administrations;

(ii) Assistance from the Railway Minister's Welfare and Relief Fund;

(iii) Compensation under the Workmen's Compensation Act;

(iv) Employment is offered to the heirs/dependents of the deceased R.P.F. personnel;

(v) Normal benefits like Provident Fund, Special contribution to Provident Fund, Pension and Death-*cum*-Retirement Gratuity.

(2) In cases of injuries to R.P.F. personnel, the following benefits are admissible:

(i) Compensation under Workmen's Compensation Act in cases of serious injury;

(ii) Period of absence treated as Hospital Leave in case of minor injury, according to the nature of the case; and

(iii) Grant of reward depending upon merits of the case.

श्री हरी सिंह माननीय अध्यक्ष जी, रेल मंत्री महोदय के जवाब को मैंने पढ़ा, मुझे खुशी है और मैं धन्यवाद देना चाहता हूं उन फैसिलिटीज के लिए जो उन को दी गई है जो कि घायल हुए या क्रिमिनल्स के साथ टक्कर लेते हुए मारे गए। इसके लिए मैं मंत्री महोदय को शुक्रिया अदा करना चाहता हूं। साथ ही मैं मंत्री महोदय से जानना चाहता हूं कि आज के इस वैज्ञानिक युग में क्रिमनल्स के पास लेटेस्ट टाइप के हथियार होते हैं, जोकि स्मगिल होते हैं तो क्या रेल

मंत्रालय भी इस बात की कोशिश कर रही है कि उनकी फोर्स के पास भी लेटेस्ट वीपन्स हों ताकि वे उनका अच्छी तरह से मुकाबला कर सकें और कामयाब हो सकें ? यदि हां तो किस तरह के हथियार रेलवे फोर्स को जुटाए गए है ?

श्री मुहम्मद शफी कुरेशी : आर० पी० एस० एफ० जो आर० पी० एफ० का आर्म्ड विंग है उनके पास जो हथियार हैं वह, देश विरोधी जो लोग काम कर रहे हैं उनका मुकाबला करने के लिय काफी है। वह हथियार किस किस्म के है उसकी इतला देना मेरे लिए मौजू नही होगा।

श्री शशि भूषण : रेलवे प्रोटेक्शन फोर्स ने जिस बहादुरी के साथ अपराधियों का मुकाबला किया है उसकी सराहना की गई है, मैं भी सराहना करता हू, बहुत अच्छा काम किया है लेकिन मैं जानना चाहता हू उन अपराधियों मे क्या तथाकथित टोटल रेवोल्यूशन के फ्रस्ट्रेटेड नौजवान भी थे और क्या उनको बाहर से भी हथियार मिले थे ?

(व्यवधान)

चोर की दाढी मे तिनका। जब भी मैं बोलता हूं तो कम्युनिस्ट पार्टी इन्टरनेशनल (माओइस्ट) के सदस्य मुझे जरूर डिस्टर्ब करते हैं। मै अपने इन साथियों से कहना चाहता हूं मुझे ही यह डिस्टर्ब क्यों करते है, यहा पर और भी लोग है। मैं तो एक इन्नोसेन्ट फ्रन्ड हू। तो मै यह जानना चाहता हूं तथाकथित टोटल रेवोल्यूशन मे काम करने वाले कितने नौजवान थे जिन्होने पुल तोड़ने में, पटरिया तोडने मे या चोरिया करने मे मदद की, वह हथियार कहा से लाये– इस सम्बन्ध मे आपकी क्या जानकारी है ?

श्री मुहम्मद शफी कुरेशी : हमारी जानकारी है कि जो लोग अपने देश की जायदाद को तबाह करने की कोशिश करते है उनके नाम सभी को मालूम है। वह कौन से लोग हैं उसको तफसील से कहने की कोई जरूरत नहीं है लेकिन यह वही लोग हैं जो टोटल रेवोल्यूशन की बात किया करते थे।

श्री नरसिंह नारायण पांडे : क्या मंत्री जी बताने की कृपा करेंगे कि उन्होंने जो कहा है कि 1974 और 1975 में जो 224 जवान घायल हुए और 9 मारे गए उनके परिवार वालों को नौकरी देने के लिए स्कीम रखी है तो उसके अन्तर्गत आपने क्या सहायता की, कितने लोगों को नौकरी मिली और किस रूप में कितने लोगों की अपने मदद की ?

श्री मुहम्मद शफी कुरेशी मेरे पास सारी तफसील है। जहा जहां रक्षकों का कोई लड़का या करीबी रिश्तेदार था उसको नौकरी दी है। जहा रक्षक मारा जाता है वहा उसके परिवार वालो को 30,000 रूपए तक दिए गए हैं और 10,000 से कम किसी जगह नही दिए गए है।

श्री मुहम्मद अमीलुर्रहमान आपकी इजाजत से मै मंत्री जी से जानना चाहता हू कि क्रिमनल्स से एनकाउन्टर मे आर पी एफ के कितने नौजवान मारे गए ? वैगन्स ब्रेकिंग मे क्रिमनल्स के साथ एनकाउन्टर में आर० पी० एफ० के कितने नौजवान मारे गये ?

श्री मुहम्मद शफी कुरेशी जितने भी नौजवान मारे गए है वह एक्शन के वक्त मारे गए हैं कुछ ऐसे भी थे जबकि रेलवे वैगन तोडा जा रहा था उस एनकाउन्टर मे मारे गए।

श्री शंकर दयाल सिंह आप के स्टेटमेन्ट के अनुसार आर० पी० एफ० के 1974 मे 4 और 1975 मे 5 जवान मारे गये और 1974 मे 128 और 1975 में 96 जख्मी हुए। मैं मंत्री महोदय से जानना चाहता हू कि किन क्षेत्रों में ये लोग मारे गये

और किन क्षेत्रों में अधिक लोग घायल हुए—इन का क्षेत्रवार ब्योरा क्या है ?

श्री मुहम्मद शफी कुरेशी : इन का ब्योरा इस तरह से है—

रेलवे	मारे गए		जख्मी हुए	
	1974	1975	1974	1975
नार्दर्न रेलवे	—	—	9	12
नार्थ ईस्टर्न रेलवे	—	—	—	—
ईस्टर्न रेलवे	3	3	27	22
साउथ ईस्टर्न रेलवे	—	1	35	10
सन्ट्रल रेलवे	—	1	2	5
वेस्टर्न रेलवे	—	—	—	—
सदर्न रेलवे	—	—	10	14
नार्थ-ईस्ट फ्रान्टीयर रेलवे	—	—	—	—
साउथ सन्ट्रल रेलवे	1	0	45	33
कुल जोड	4	5	128	96

SHRI VAYALAR RAVI: The statement of the hon. Minister says that 9 people are killed. I would like to know from the hon. Minister, whether any of the claims from these families is pending, including those for the employment of the heirs of the deceased?

SHRI MOHD. SHAFI QURESHI: To all the persons killed during 1974 full compensation has been given. Cases of 4 killed in 1975 are being processed.

Underground Railway in Calcutta

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*198 SHRI SOMNATH CHATTERJEE:
SARDAR SWARAN SINGH SOKHI:

Will the Minister of RAILWAYS be pleased to state:

(a) when is the work on underground railway in Calcutta likely to be completed;

(b) the present estimated expenditure therefor; and

(c) the increase in the expenditure due to lapse of time?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) The original target date of 1979 for commissioning is under review due to resources constraint.

(b) Based on 1973-74 level of prices, the Project is now estimated to cost Rs. 250 crores.

(c) It is not possible to foresee the extent to which the cost may increase till the Project is completed.

SHRI SOMNATH CHATTERJEE: Sir, the hon. Minister has not replied to part (c) of my question. I had asked about the increase in the expenditure due to lapse of time, because a greater time will be taken. What was the original estimate, what has become the increase in the estimate, what is the percentage of increase, because of lapse of time? This part has not been answered at all.

SHRI MOHD. SHAFI QURESHI: As originally estimated, the cost of this 16.7 Km. construction was Rs. 140 crores. I had said that according to the present sanctioned revised estimate, the cost would be Rs. 250 crores.

SHRI SOMNATH CHATTERJEE: The original target date was 1979. We are not even given any assurance or idea as to when it will be completed, or whether it will take another 10 years. We do not know how many years it will take. In the meantime, the trees are being felled in Calcutta; the Maidan is being wasted; the entire area has been cordoned off. Immense trouble is being faced by the people, with no assurance of completion of the job. Therefore, may I know as to what are the resource constraints now? And, in view of the present constraint, what is the time expected to be taken for the completion of the work? Have you any idea; or are you making a wild guess?

SHRI MOHD. SHAFI QURESHI: As I have said earlier, the original estimate was Rs. 140 crores which included about Rs 23 crores as an estimate of foreign exchange. Now, the present cost would be Rs 250 crores, of which the foreign exchange element will be about Rs. 38 crores. The question is one of locating the resources. With the constraint on the resources, it will not be possible for me to give a definite date; but certainly it will not be completed in 1979, in any case.

SHRI SOMNATH CHATTERJEE: I had not put my second question. This is very important for Calcutta, which as you know from your experience, is now facing the greatest problems of transportation and communication. May I know from the hon. Minister if the Ministry has got financial restraints or constraints and if they are not able even to import the necessary hardware or the machinery, I mean, for the purpose of this underground railway, this sort of piece-meal work is being done in the centre of the city? The whole area has been cordoned, trees are being felled and people are having difficulty. The small open maidan that we have is now being made out of bounds for the people. What is this sort of planning and programme? Some work is being done in the northern most part, at Belgachia. Now the centre is attacked. What will happen in the middle portion, nobody knows; what will happen in the south, nobody knows. What is the sort of programme and planning that this Ministry has, without knowing what are the resources that they require ultimately? They have estimated the present expenditure at Rs. 250 crores on the basis of the 1973-74 price-line. To-day we are in 1976. What sort of estimate is this Ministry making, we do not know. That is why we say that you are ignoring the eastern zone deliberately.

SHRI MOHD. SHAFI QURESHI: All the concerned Ministries and the Planning Commission are of the opinion that this project should be given the highest priority. But the trouble is that when we do not start the work, we are blamed that we are not starting the work; when we start the work, they ask; why are you digging the tunnels? (*Interruptions*) You are doing all this because you are not interested in this work; you are interested only in agitation. You only want to desroy the whole thing (*interruptions*) Because, you do not know what construction means. We have all along been doing construction works. So,

you should try to understand what construction means.

MR. SPEAKER: He wants to know why the work is taken up in different parts of the city.

SHRI MOHD. SHAFI QURESHI Contract for the work has been given to different parties. The work has to be started according to the priority laid down by the engineers

SHRI SOMNATH CHATTERJEE Lack of common sense

SHRI MOHD. SHAFI QURESHI: Common sense needs refreshment sometimes

SHRI H N MUKERJEE: In view of the fact that in so many other cities of the world, including a place like Leningrand, where the sub-soil conditions are perhaps very much more difficult than in Calcutta, there is tube railway, may I know how it is that Government, when it started this scheme, did not appear to have a managable practicable programme of work, so that now when they claim to have the support of everybody in the country, and the voluntary coopera tion of the people can be enlisted if they know for a certain fact that within a period of time the tube railway would be available, how is it that they do not have a target and they are proceeding in a manner which does not suggest anything like a business-like process and how is it that in a Ques tion Hour, instead of being given the facts of the situation we are con fronted with a proposition that some people in that region might be opposed or might be interested in other things? May I know how is it that Government formulates a programme for a tube railway in Calcutta that for more than ten years it is kept hanging fire and, in the mean time the whole area would go to blazes?

SHRI MOHD SHAFI QURESHI. For external expert assistance we have had the benefit of the view of the Russian experts. They have been associated with the project for a long time. Certain equipment has also to be imported from that region. It is not that we are not taking advantage of other people and their experience in other countries in this metropolitan project. But, as I have said the main difficulty is financial constraint, while the original estimate was Rs 140 crores, now it has gone up to Rs 250 crores. The cost might still go up higher because the cost of certain foreign equipments and local purchases may go up That is the main reason why the project is getting delayed As a matter of fact, Government has already started work

SARDAR SWARAN SINGH SOKHI My question is in three parts. The Minister has stated that it is not possible to foresee when the project would be completed because of the increase in costs (a) If he is unable to foresee what will be the cost, on what basis does he prepare the annual budget and come forward for money here? (b) Is it a fact that only eight per cent of the work has been completed by December 1975? (c) May I know whether any equipment for tunnel construction would be imported from the Soviet Union and, if so, what is the cost of that equipment?

MR SPEAKER He can answer Part (b) of the question

SHRI MOHD SHAFI QURESHI The percentage is about 8

Measures to bring down Price of Drugs

*199 SHRI SHANKERRAO SAVANT Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state

(a) what attempts have been made, after the proclamation of emergency, to bring down the prices of drugs

which are manufactured indigenously and imported from outside;

(b) the success achieved by these attempts; and

(c) what additional measures are proposed to be taken for the purpose in near future?

THE MINISTER OF CHEMICALS AND FERTILIZERS (SHRI P C. SETHI): (a) to (c). A statement is attached.

Statement

(1) The prices of drugs were brought under statutory control in 1962. The Drug Prices Control Order, 1970 provides for a detailed mechanism for fixation of prices of drugs at reasonable levels.

(2) As a result of cost examination by Bureau of Industrial Costs and Prices of the following drugs have been reduced recently:—

S. No.	Name of the drug	Unit	Pre-revised price (Rs.)	Price as now fixed by the Govt. (Rs.)
1.	Vitamin B 12	Gram	100·00	95·00
2.	Riboflavin-5 Phosphate Sodium	Kg.	2500·00 (France India) 2800·00 (Nivedita) 3000·00 (IDPL)	2350·00 (for all)
3.	Benzatain Penicillin	Kg.	1263·00 (HAL) 2000·00 (Geoffery Manners)	1375 (for all)

(3) The STC have also reduced the prices of the following bulk drugs during the current year:—

S. No.	Name of the drug	Pre-revision prices	Revised prices
		Rs./per kg	Rs./Per kg.
1.	Ampicillin Anhydrous	2030·00	1540·00
2.	Ampicillin Sodium	1670·00	1300·00
3.	Ampicillin Trihydrate	1425·00	1105·00
4.	Chloramphenicol Palmitate	670·00	522·00
5.	Choloramphenicol Powder (pooled Price)	646·00	524·60
6.	Chloramphenicol Sodium Suvocinate	1060·00	743·00
7.	Indomethacin	1316·00	816·68

There have been consequential reduction in the prices of formulations based on these drugs.

(4) The Committee on Drugs and Pharmaceutical Industry under the Chairmanship of Shri Jaisukhlal Hathi has made comprehensive recommendations with regard to pricing of drugs. Preliminary exercises have been made regarding the implications of accepting the recommendations made by the Committee. It is found that the acceptance of the recommendations would in some cases help to bring prices down but it would also in the case of a large number of essential drugs result in price increases. In view of these implications Government is giving careful reconsideration to the question.

SHRI SHANKERRAO SAVANT: When the prices of food articles are going down rapidly, there is no reason why the prices of drugs should not go down with equal rapidity. The reduction that is stated in the answer is very unsatisfactory. In reply to my question it was stated that the price of penicillin has been increased by more than Rs. 100. Why should the price of such an essential drug be increased?

SHRI P. C. SETHI: I would request the hon. Member to glance at the answer again. In the case of HAL, the price was Rs. 1263, but in the case of Geoffery Manners it was Rs. 2000. So, the price has been now put at Rs. 1375 for all, which would give a flat increase to HAL, which is a public sector company, while in the case of the private sector, it will come down from Rs. 2000 to Rs. 1375.

SHRI SHANKERRAO SAVANT: But why should there be any enhancement in price in the case of HAL?

SHRI P. C. SETHI: It is a matter of opinion. As a matter of fact, this is not an enhancement. From Rs 2000 we have brought it down to Rs. 1375.

SHR S. R DAMANI: May I know whether he is aware of the fake manufacture of important drugs and if so, what action has been taken and how many people have been arrested? For the future, what is his plan to eliminate such fake manufacture?

SHRI P. C. SETHI: As far as fake medicines are concerned, there are Drug Controllers appointed by the State Governments in every State. Besides this, the Government of India has also a drug controlling authority which looks after the quality control of the drugs and, therefore, it is being done at that level.

SHRI DHAMANKAR: From the statements it is seen that STC has reduced the prices of bulk drugs to the extent of 50 per cent but the formulations prepared from them are being sold under different trade names at fancy high prices. May I know what steps Government propose to take or have taken to reduce the prices of these trade mark drugs prepared from the bulk drugs purchased from STC?

SHRI P. C. SETHI: It has been stated in the statement itself that as a result of the reduction which has come in the seven drugs, the consequential reduction in the prices of formulations will also take place.

SHRI K. LAKKAPPA: It is not only a question of cutting down the prices of drugs available in this country, but also reforming the manufacturing system that is prevailing here because sub-standard drugs are being manufactured and supplied. Therefore, the whole structure of the supply of medicines to the vulnerable section of the people has to be looked into. Even during the emergency sub-standard drugs are being sold and the prices charged are also exorbitant. Therefore, in order to stop these things, may I know whether Government will take advantage of the emergency to take steps and if so, what steps are envisaged by the Ministry to streamline the trade?

SHRI P. C. SETHI: As far as drug prices are concerned, right from 1962-63 prices have been controlled by

the Drug Prices (Display and Control) Order, which was further amended in 1966. And a comprehensive price control was imposed in 1970. Actually, the prices of all these important drugs have been pegged at the 1962 level and wherever any increase has been asked for, that is gone into by the Bureau of Industrial Costs and Pricing, and it is only after their recommendation that the high power committee in the Ministry looks into it and then a price revision is allowed. As far as spurious drugs are concerned, I have stated earlier that the State Governments have got Drug Controllers and in the Centre also the Health Ministry provides over-all supervision for the quality of the drugs It can be looked into whether this machinery should be tightened

SHRI S M BANERJEE I am happy that the prices have been reduced, but the Hathi Committee made two specific recommendations that the multinational companies in drugs should be taken over by Government and that patents should be abolished I would like to know whether Government have taken any decision in this regard and if not the reason for the same, and whether there is pressure from the drug companies not to take any decision

SHRI P C SETHI I would like to remind my hon friend, Shri Banerjee, that we do not work under pressure either here or there We take our independent decisions which are beneficial to the country Now, as far as the Hathi Committee's recommendations in regard to the generic names of 13 drugs are concerned, we discussed this matter at great length in the Consultative Committee, and on the basis of the recommendations of the Health Ministry, we came to a conclusion that we can start this experiment at least in the case of six drugs which the Health Ministry has proposed. Now that proposal is going to the Cabinet sub-committee which will ultimately take the final view.

SHRI S. M. BANERJEE Which are those drugs?

SOME HON MEMBER Six drugs.

SHRI P C SETHI At this time, I would not be able to tell you, but that has appeared in the Press after the Consultative Committee's meeting As far as prices are concerned I would like to take the House into confidence by saying that the implementation of the Hathi Committee s recommendations as it is in toto, is not going to reduce the prices of the drugs which are most commonly consumed because, according to the Hathi Committee's recommendations, in the case of formulations, 12 13 per cent profit on sale turnover should be given to the companies, and in the case of bulk drugs, 12—14 per cent profit should be given We carried out an exercise in this connection in the Ministry and on the basis of that exercise, we came to the conclusion that if this margin is allowed to the companies the mark up will be anything between 60—75 per cent At the moment excepting in certain formulations or tonics where the mark up is more than 100 per cent or 150 per cent certainly, the prices will come down But there are certain drugs which have got only mark up of 5—10 per cent, it is likely that if this recommendation is adopted in toto, the prices of those essential drugs might go up. That is the dilemma That is why, we are taking some time to take a decision on this issue

Foreign Exchange saved due to Crude Production

*201 SHRI SHASHI BHUSHAN: Will the Minister of PETROLEUM be pleased to state:

(a) the amount of foreign exchange likely to be saved due to production of crude in Bombay High; and

(b) the crude produced in Bombay High and other places during 1975

and the quantity expected by the end of 1976?

THE DEPUTY MINISTER IN THE MINISTRY OF PETROLEUM (SHRI ZIAUR RAHMAN ANSARI): (a) The amount of foreign exchange savings in terms of the value of the crude to be produced from Bombay High by the end of 1976 at the current international price level is estimated around Rs. 37 crores.

(b) The total indigenous production of crude oil during 1975 was 8.27 million tonnes. It is expected to go upto about 9.0 million tonnes during 1976.

There was no production of crude oil from Bombay High during 1975 except a token quantity. The likely production from Bombay High during 1976 will be 0.5 million tonnes.

श्री शशि भूषण अध्यक्ष जी मैं जानना चाहता हूं कि मंत्री महोदय के हाथ में क्या जादू है कि जिस कुएं पर हाथ लगा देते हैं उस से तेल निकल आता है। लेकिन जब कोई विदेशी कार्टेल हाथ लगाता है तो तेल सूख जाता है। बम्बई हाई में कितनी विदेशी कम्पनियां हिस्सा ले रही हैं और काम कर रही है? क्या जितना वहां काम हुआ है उस से आप संतुष्ट हैं, और जितनी आशा थी उतना हुआ है?

पेट्रोलियम मंत्री (श्री के० डी० मालवीया) : अध्यक्ष जी, पहली बात तो यह है कि मैं हाथ नहीं लगाता हूं, बल्कि आयल और नचुरल गैस कमीशन के जो विशेषज्ञ हैं वे प्रयत्न करते है और ओ०एन०जी०सी० ने अच्छी खासी अन्तर्राष्ट्रीय ख्याति पा ली है और उन्हें अनुभव भी हो गया है जिस के द्वारा वह प्रयत्न करते है और तेल कहीं निकल आता है, कहीं नहीं भी निकलता है। इस समय इत्तफ़ाक से तेल निकल रहा है और मुझे आशा है कि उन का और भी प्रयत्न सफल होगा।

जहां तक बम्बई हाई का सम्बन्ध है वहां तीन जहाज काम कर रहे हैं। एक सागर सम्राट जहाज तो हमारा ही है और दो जहाज हमने किराए पर लिए हैं। एक जहाज के साथ यह समझौता किया गया है कि कुछ दिन के बाद अगर हम चाहेंगे तो हम उसे खरीद सकते हैं और अगर हमारा उसको खरीदने का इरादा हुआ तो बातचीत करेंगे और अगर उन्हें पसन्द होगा तो बेच देंगे। इन तीनों पर अधिकांश हमारे ही लड़के काम करते है, ओ एन जी सी के जिस में उन्हें शिक्षा भी मिलती जाती है और उनका जो पुराना उनका अनुभव है वह भी उन्हें काम दे रहे है। दो चार लोग ही वहां बाहर के काम करते हैं जिन को हम तनख्वाह देते है। कोई बाहरी मदद हम नहीं ले रहे हैं। स्वयं अपने ही द्वारा स्वावलम्बन के आधार पर बम्बई हाई म ओ एन जी सी काम कर रहा है।

गरीबों को कानूनी सहायता देने हेतु समिति

*203. **श्री शंकर दयाल सिंह** : क्या **विधि, न्याय और कम्पनी कार्य** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार ने गरीबों को कानूनी सहायता देने हेतु कोई समिति गठित की है;

(ख) क्या केन्द्रीय सरकार ने इस मद में विभिन्न राज्यों को कुछ राशि आवंटित की है; और

(ग) यदि हां, तो उसका राज्यवार ब्यौरा क्या है?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): (a) No Sir.

(b) No, Sir.

(c) Does not arise.

श्री शंकर दयाल सिंह : गरीबों को कानूनी सलाह मिले इसके लिए बार बार कई स्वयं-सेवी संस्थायें और स्वयं राजनीतिक दल मांग करते रहे हैं और सरकार का ध्यान इस ओर आकर्षित करते रहे है। यदि सरकार ने इसके लिए कोई कमेटी नहीं बनाई तो जो स्वैच्छिक कमेटियां है, वालेंटरी कमेटियां है जैसे नेशनल लीगल एड कमेटी, लायर्ज कमेटी फार लीगल एड आदि जो देश में काम कर रही हैं क्या इनको सरकार किसी तरह का समर्थन या सहायता प्रदान करेगी ताकि ये गरीबों को कानूनी सलाह देने में सक्षम सकें ?

SHRI H R GOKHALE The question was whether the Government has constituted a Committee to provide legal aid to the poor. The answer to that was that the Committee is not to provide legal aid to the poor But a Committee was constituted sometime back to go into the whole question for framing a proper comprehensive scheme for legal aid. The Committee was presided over by Justice Krishna Iyer. They have made a fairly exhaustive report touching many aspects of the question and referring to the legal aid to various sectors belonging to the weaker sections of the community. One of the recommendations was to provide for a body with a corporate status operating in all the States to provide legal aid. The Government have, in fact, examined this report It is the intention of the Government to act on most of the recommendations of the Krishna Iyer Committee.

With regard to the voluntary organisations, it is true that in the last year or so, so many voluntary organisations have come up to offer legal aid to the poor. Most of them consisting of lawyers have volunteered to provide legal aid at various levels, not only in the metropolitan cities but also at lower levels, like, district and taluk levels. While the Government will give all possible support to the voluntary agencies so that they may function, in fact, in this matter a lot of assistance on a voluntary basis is very necessary.

श्री शंकर दयाल सिंह मैं वकील नहीं हूं और न कानूनी दावपेचों को अधिक जानता हूं। लेकिन जो वकील मुफ्त सलाह गरीबों को देते हैं वे ज्यादातर वही लोग हैं जिन की वकालत नहीं चलती है और जिन की वकालत बहुत अच्छी चलती है उनको तो मुकदमे लड़ने से ही फुर्सत नहीं है। उनको फ्री लीगल एड देने के लिए मौका कहां से मिलेगा। मैं जानना चाहता हूं कि क्या विधान में परिवर्तन कर वकीलों के लिए कोई कोड आफ कन्डक्ट वगैरह आप बनाएंगे जिसमें उनको बाध्य किया जा सके कि इतने मुकदमे उनको गरीबों के लिए फ्री करने है और क्या जो लोग इस समय गरीबों की फ्री मदद कर रहे है उनको कुछ प्रोतरेरियम देने की आप व्यवस्था करेंगे ?

SHRI H. R. GOKHALE: The question is in two parts. Firstly, the hon. Member said that only such people as have no practice in the profession come forward to give free legal aid to the poor. Now, the first thing is that it is not quite accurate to say that those who have not been able to command a large practice in the profession are not capable of rendering legal aid to the poor. In fact, it is well known that in Universities, for example, even those who have not qualified as lawyers and have not taken a degree have started clinics to give legal aid. Therefore, I don't agree with the concept of the Hon'ble Member that those who have no practice are not capable of rendering legal aid to the poor.

With regard to those who are fortunate in the profession some of them are there who are rendering legal aid

to the poor. But I appreciate that some more must come forward, and we should act through all the Bar Associations, Bar Councils and other agencies to see that all of them undertake to do at least some cases per year free of charge.

SHRI KRISHNA CHANDRA HALDER: You are aware that not only in West Bengal but in other States also, thousands of share-croppers are evicted from their land. They are one of the weakest sections of society and most of them are from Scheduled Castes and Scheduled Tribes. The moneyed landlords can go to the High Court and other courts, but these people cannot afford to represent their cases properly through lawyers before the court and so, thousands of them are evicted. What is the reaction of the Government and the Ministry in this regard? The Hon'ble Minister had said many times that the Government would provide legal aid to these people. But when they are evicted, at that time of emergency, will Government issue special instructions or arrange legal aid to these people so that they cannot be harassed and will be saved from eviction?

SHRI H. R. GOKHALE: The reaction of the Government is that I am fully in agreement with the Hon'ble Member that this is one section of society particularly where the tenants are evicted and, in many cases, proper legal advice and assistance is not available to them. This is an area which must be covered by any legal aid scheme and, whatever we are trying to do, we will take this apart from other sections; I have also in mind the Scheduled Castes and Scheduled Tribes. The area will be covered by such schemes.

SHRI DINESH CHANDRA GOSWAMI: The Minister has said that the vulnerable section of society are today suffering a great deal for want of legal aid and advice. In view of this, may I know in concrete terms, whether the Government has any proposal before it to provide legal assistance in undefended cases to persons who are going to be benefited from the twenty-point programme and land legislation? Because, today in this country, more than six lakhs cases are pending simply of land legislation alone. If you are going to give free legal aid to independent land legislation cases why not also to persons benefiting from the twenty-point programme?

SHRI H. R. GOKHALE: The Hon'ble Members question covers the earlier question asked by another Hon'ble Member, and I have already said that with reference to the twenty-point programme and may be with reference to the implementation of legislation regarding land reforms, a special provision has to be made to see that all these sections of society get legal aid and in the scheme for which we are making a preliminary exercise attention has been paid to this aspect of the matter.

SHRI SOMNATH CHATTERJEE: May I know whether the Government itself will make a gesture in cases where dismissed employees have to go to court or the weaker sections have to go to court so that these people are not made to pay court fees? Why not use the emergency and ask the State Government not to impose court fees on these sections of people? They will be benefited considerably.

SHRI H. R. GOKHALE: With regard to court fees the hon. Member knows that it is a matter entirely within the jurisdiction of the State Governments. Realising this, when this question was raised in many forums, in Consultative Committee, Joint Committee, etc., we have taken up the question with the State Governments for reducing the court fees at least in respect of certain category of cases.

WRITTEN ANSWERS TO QUESTIONS

Commissioning of Directorate of Transport at Bhubaneswar

*186 SHRI ARJUN SETHI Will the Minister of RAILWAYS be pleased to state whether the proposed Rail Coordination Directorate at Bhubaneswar has since been commissioned to keep liaison between the Railway Headquarters and Garden Reach Workshop Calcutta for the smooth transportation of raw materials from Orissa State?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH) No Sir The Government of Orissa have not agreed so far to bear the entire cost of the proposed Directorate including a Senior Officer from the Railways to head the Directorate

रेल कर्मचारियों की केन्द्रीय ट्रेड यूनियनें

*187 **श्री रामावतार शास्त्री** : क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(क) भारतीय रेल कर्मचारियों की सेन्ट्रल ट्रेड यूनियनों की संख्या कितनी है तथा उनके नाम क्या है

(ख) क्या उक्त केन्द्रीय संगठनों ने आपातकालीन स्थिति तथा प्रधान मंत्री द्वारा घोषित बीस-सूत्री आर्थिक कार्यक्रम के बारे में अपनी नीति निर्धारित की है और

(ग) यदि हां, तो तत्संबन्धी मुख्य बातें क्या हैं ?

रेल मंत्रालय में राज्य मंत्री (श्री मुहम्मद शफी कुरेशी) : (क) चन्द्र में, दो अखिल भारतीय रेलवे श्रम महासंघ अर्थात् (i) दि आल इण्डिया रेलवेमेन्स फेडरेशन और (ii) दि नेशनल फेडरेशन आफ इण्डियन रेलवेमेन, को मान्यता दी गयी है

इस प्रकार, प्रत्येक क्षेत्रीय रेलवे पर दो यूनियनों, अर्थात् इन दो फेडरेशनों से सम्बद्ध एक-एक यूनियन, को मान्यता दी गयी है ।

इनके अलावा, भारतीय रेलों में अनेक सेंट्रल ट्रेड यूनियनें कार्यरत हैं । जिन्हें न तो केन्द्रीय स्तर पर और न ही क्षेत्रीय स्तर पर मान्यता प्रदान की गयी है ।

(ख) और (ग) दि नेशनल फेडरेशन आफ इण्डियन रेलवेमेन ने प्रधान मंत्री द्वारा घोषित 20 सूत्री आर्थिक कार्यक्रम का पूरा-पूरा समर्थन किया है और इसके कार्यान्वयन में रेल कर्मचारियों को शिक्षित करने के उद्देश्य से यह फेडरेशन और इससे सम्बद्ध यूनियनें विभिन्न स्तरों पर प्रस्ताव पास कर रही है तथा गोष्ठियों का आयोजन कर रही हैं ।

दी आल इण्डिया रेलवेमेन्स फेडरेशन ने देश के आर्थिक विकास के लिए 20 सूत्री आर्थिक कार्यक्रम के लिए अपना समर्थन व्यक्त किया है ।

Strategy to meet Demand for High Speed Diesel

*188 SHRI ISHAQUE SAMBHALI Will the Minister of PETROLEUM be pleased to state:

(a) whether Government have recently worked out a new strategy to meet the growing demand of high speed diesel, and

(b) if so, the broad features thereof?

THE MINISTER OF PETROLEUM (SHRI K. D. MALAVIYA):

(a) and (b). High Speed Diesel Oil is an essential petroleum product used predominantly in the transport and agricultural sectors. In small quantities, it is also used in industries for standby power generation. While all efforts will continue to be made to minimise its use for standby power generation and to bring about greater efficiency in its use, it is proposed to provide adequate high speed diesel oil to meet its growing demand in full.

Utilisation of Installed Capacities of Refineries

*189. SHRI SARJOO PANDEY: Will the Minister of PETROLEUM be pleased to state:

(a) whether the installed capacities of all the refineries are not fully utilised; and

(b) if so, the reasons and broad features thereof

THE MINISTER OF PETROLEUM (SHRI K. D. MALAVIYA): (a) and (b) Inland refineries all of which are based on indigenous crude oil, are processing all the crude received by them from the oil fields in Assam and Gujrat. The coastal refineries based on imported crude, may have to operate at reduced levels during the current year on account of constraints of foreign exchange and demand for products in the relevant supply areas.

Expansion of Madras Refineries

*190. SHRI M. KALYANASUNDARAM: Will the Minister of PETROLEUM be pleased to state:

(a) whether Government have under consideration an expansion programme of Madras Refineries Limited; and

(b) if so, the broad features thereof?

THE MINISTER OF PETROLEUM (SHRI K. D. MALAVIYA): (a) and (b). Yes, Sir. The proposal envisages the expansion of refining capacity from 2.8 MTPA to 3 5 MTPA, lube capacity from 200,00 tonnes to 270,000 tonnes per year, and the establishment of a Paraffin Wax Plant with a capacity of 20,000 tonnes per year.

National Drug Development Authority

*191. SHRI P. GANGADEB: Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether Government are considering a proposal to set up a National Drug Development Authority; and

(b) if so, whether Drug Development Authority will be overall incharge of planning, licensing and expansion of production capacity of drugs manufactured in India?

THE MINISTER OF CHEMICALS AND FERTILIZERS (SHRI P. C. SETHI): (a) and (b). The Committee on Drugs and Pharmaceutical Industry have recommended the establishment of a statutory body called the National Drug Authority of India with a view to streamlining operations and achieving the basic objectives of producing and distributing essential drugs to the largest number of people as economically as may be possible. The Committee has also indicated various functions of the NDA, its composition and mode of financing. The implications of the creation of NDA on the lines indicated by the Committee are being studied particularly with reference to the existing statutory responsibilities of various Ministries of the Government of India.

Call for Sparing Use of Oil

*193. SHRI Y. ESWARA REDDY: Will the Minister of PETROLEUM be pleased to state:

(a) whether he had recently given a call for sparing use of oil in the country; and

(b) if so, what steps Government have taken in that direction in order to meet the energy needs of the country?

THE MINISTER OF PETROLEUM (SHRI K. D. MALAVIYA): (a) Yes, Sir.

(b) While total energy needs of the country have necessarily to be met fully, use of petroleum products has been discouraged through fiscal and regulatory measures to cut down non-essential consumption and improve the efficiency in the use of petroleum products. Incentives have been provided to encourage switch-over to coal. Priority has been given to increase the power generation capacity, as also the production and availability of coal. Development of non-conventional sources of energy is also receiving priority.

Amount earmarked for Railway Development

*194. SHRIMATI PARVATHI KRISHNAN: Will the Minister of RAILWAYS be pleased to state:

(a) whether Rs. 2,350 crores is proposed to be earmarked for Railway development; and

(b) whether the Railway Board has submitted a scheme to this effect?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) and (b) After detailed examination of the proposals submitted by the Ministry of Railways, the Planning Commission have approved an outlay of Rs. 2,350 crores for Railways' developmental programmes and have incorporated the same in the draft Fifth Five Year Plan document.

Overhauling of Idle Steam Locomotives

*195. SHRI RAGHUNANDAN LAL BHATIA: Will the Minister of RAILWAYS be pleased to state:

(a) whether many Railway steam locomotives have become idle; and

(b) if so, whether steps have been taken to overhaul them to effect economy in oil consumption?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) Steam locomotives are not lying idle on Indian Railways but 314 steam locomotives were kept stored in good mechanical condition in December, 1975 to meet the seasonal and fluctuating traffic, apart from those that were under scheduled maintenance repairs.

(b) Steam locomotives are given preventive maintenance schedules and periodical overhaul at specified Kilometrage/time for different classes in order that they are kept in good condition. This is done in the Railways' own repair workshops/sheds but as a measure of additional help, Chittaranjan Locomotive Works are again manufacturing steam locomotive motion components to assist the Railways for this purpose. Oil used by steam locos is for lubrication and there is a strict control on trip-ration which ensures needed surveilance. To conserve on diesel oil, manufacture of Diesel shunters has been reduced and for shunting services the use of steam locomotives is being maximised. The condition of the Diesel fleet has been improved by the replacement of worn out vital components of power assemblies as a measure to conserve oil.

सहारनपुर रेलवे स्टेशन का सुधार

*200. **श्री मुल्कीराज सेनी:** क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) सहारनपुर रेलवे स्टेशन का सुधार करने के लिये कितनी धनराशि दी गई है; और

(ख) इस राशि को किस मद पर खर्च करने का विचार है ?

रेल मंत्रालय में उप-मंत्री (श्री बूटा सिंह): (क) और (ख) महोदय, विशेष रूप से नवीनीकरण आदि के लिए धन की कोई व्यवस्था नहीं की गयी है किन्तु, चालू वर्ष में सामान्य अनुरक्षण आदि के काम पर 80,000 रु० खर्च किये गये है ।

Increase in the Capacity of Gauhati Refinery

*202 SHRI BHOGENDRA JHA: Will the Minister of PETROLEUM be pleased to state:

(a) whether the processing capacity of Gauhati refinery has increased recently,

(b) if so, the facts thereof, and

(c) how far would this increase help in meeting the demand of oil in the country?

THE MINISTER OF PETROLEUM (SHRI K D MALAVIYA): (a) to (c). The Gauhati Refinery which is designed to process 0 75 million tonnes of crude per annum has been operating slightly above the designed capacity. During the current year (1975-76) the Refinery is expected to process 0 821 million tonnes of crude This will increase the product availability in the Eastern Region to this extent.

Fertilizer Projects running in Foreign Collaboration

*204. SHRI TUNA ORAON:
SHRI S. N. SINGH DEO:

Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) how many fertilizer projects are there which are running with foreign collaboration in private and public sectors;

(b) quantum of money invested by each of these foreign collaborators in each of these fertilizer projects; and

(c) what is their installed and utilised capacity?

THE MINISTER OF CHEMICALS AND FERTILIZERS (SHRI P. C. SETHI): (a) to (c). A statement giving the required particulars is laid on the Table of the House [Placed in Library See No LT-10167/76].

Companies Registered in Jammu and Kashmir, Punjab, Haryana and Himachal Pradesh

856 PROF NARAIN CHAND PARASHAR Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the number of companies registered under the Company Law in the States of Jammu and Kashmir, Punjab, Haryana and Himachal Pradesh during the Calendar Year 1975; and

(b) the comparative figures for the year 1974 in these States?

THE DEPUTY MINISTER IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI BEDABRATA BARUA): (a) and (b). The number of companies limited by shares registered under the Companies Act, 1956 in the States of

Jammu and Kashmir, Punjab, Haryana and Himachal Pradesh during the calendar year 1975 and the comparative figures for the year 1974 are given as under:

State	No. of companies registered.	
	1975	1974
Jammu & Kashmir .	11	8
Punjab . . .	50	97
Haryana . .	21	33
Himachal Pradesh .	11	17

कालटैक्स तथा आसाम आयल कम्पनी के तेल शोधक कारखानों की उत्पादन क्षमता

857. डा० लक्ष्मीनारायण पांडेय : क्या पैट्रोलियम मंत्री यह बताने की कृपा करेंगे कि

(क) कालटैक्स तथा आसाम आयल कम्पनी के तेल शोधक कारखानों की वार्षिक उत्पादन क्षमता क्या है,

(ख) इनकी इक्विटी-निवेश सम्बन्धी स्थिति क्या है, और

(ग) समूचे देश में इसके कितने प्रतिष्ठान चल रहे हैं ?

पेट्रोलियम मंत्री (श्री के० डी० मालवीय) :

	कालटैक्स आयल रिफाइनिंग (इण्डिया) लि०	आसाम आयल कंपनी लि०
(क) (i) लाइसेंस प्राप्त क्षमता	0 6 75 मिलियन मी टन प्रति वर्ष	0 50 मिलियन टन प्रति वर्ष
(ii) 1975 के दौरान उत्पादन	1.55 मिलियन मी टन	0.50 मिलियन टन
(ख) शेयर पूंजी	रु० 4.50 करोड	रु० 7 48 करोड (लगभग)
(ग) प्रतिष्ठानों की संख्या	मैसर्स कालटैक्स (इण्डिया) लि० 5 टर्मिनलों, 37 डिपो कंपनियों 15 डिपो ठेकेदारों, 19 रेल और सड़क डिस्ट्रीब्यूटर पैकेजेज 2 एविएशन डिपुओं, 1201 सर्विस स्टेशनों, 479, मिट्टी के तेल वितरकों और 426 एल डी ओ वितरकों की मार्फत उत्पादों का विपणन करती है।	दिब्रुगढ़ में प्रधान कार्यालय एक क्षेत्रीय कार्यालय वाणिज्यिक प्रतिनिधियों के कार्यालयों और एक मुख्य टर्मिनल कार्यालय के अलावा असम आयल कंपनी लि० के 12 डिपो 16 4 फुटकर पेट्रोल पम्पों और 257 मिट्टी तेल की एजेन्सियां है ।

Issue of Dealership Licences in Petroleum Products

858. SHRI S. M. SIDDAYYA: Will the Minister of PETROLEUM be pleased to state:

(a) how many persons have been issued dealership licences in petrol and petroleum products in 1974 and 1975; and

(b) of them, how many belong to the Scheduled Castes and Scheduled Tribes?

THE DEPUTY MINISTER IN THE MINISTRY OF PETROLEUM (SHRI ZIAUR RAHMAN ANSARI): (a) and (b). Number of dealerships of petroleum products awarded by the public sector oil companies and the number awarded to persons belonging to the Scheduled Castes/Scheduled Tribes during the years 1974 and 1975 are given below:

Name of Company	Total number of dealerships awarded	Dealerships awarded to SC/ST	
		No. of dealerships	No. of beneficiaries
IOC .	590	45	50
IBP .	164	2	2
HPC .	120	.	.

Missing Wheat Wagon

859. SHRI S. M. BANERJEE:
SHRI C. K. CHANDRAPPAN:
Will the Minister of RAILWAYS be pleased to state:

(a) whether a railway wagon with 200 bags of wheat from Punjab for Karnataka could not be traced even after one and a half years' waiting; and

(b) if so, the action taken by Government in this regard?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) and (b). In the absence of booking particulars such as name of forwarding and destination station, date of booking, wagon number etc., it is presumed that the matter pertains to a wagon containing wheat booked from Guru Harshai on Northern Railway on 9th August, 1974 to Krishnarajapuram in favour of Food Corporation of India, Bangalore. This particular consignment was wrongly received at Krishna, over Sholapur Division of South Central Railway on 26th August, 1974. The consignment was therefore sent back to Sholapur on 6th September, 1974 where it was ultimately made over to the Maharashtra Civil Supplies Corporation authorities. The Karnataka Food and Civil Supplies Corporation, who had preferred a claim in the meantime, was also advised accordingly, and their claim is being processed for settlement.

Construction and Earth Work Contractors in Railways

860 SHRI VASANT SATHE:
SHRI DHAMANKAR:

Will the Minister of RAILWAYS be pleased to state:

(a) the number of registered construction and earth work contractors on the Indian Railways—zone-wise—and the estimated number of workers engaged by them during 1974-75; and

(b) whether the number of these contractors and labour engaged by them has increased significantly over the past five years?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) The approved contractors registered on the Indian Railways are 2788 in num-

ber and their details zonewise are given below:—

S. No.	Railway	No. of registered contractors.
1.	Central	444
2.	Eastern	335
3.	Northern	447
4.	North Eastern	392
5.	Northeast Frontier	356
6.	Southern	220
7	South Central	214
8.	South Eastern	38
9.	Western	342

The number of workers engaged by the contractors differ from day-to-day based on the volume of work to be handled by them and the Railways have no precise record of the number of workers engaged by them for 1974-75.

(b) No.

Changes in Personal Laws of Minority Community

861. SHRI RAJDEO SINGH: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state whether Government have received some demands from the community concerned for changes in the Shariat and other personal laws of the minority community?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DR. V. A. SEYID MUHAMMAD): Government have received representations from a few individuals and organisations for some changes in the Shariat and other personal laws of minority communities.

Construction of New Lines in Eastern and North Eastern States

862. SHRI SAKTI KUMAR SARKAR: Will the Minister of RAILWAYS be pleased to state:

(a) the names of the new lines under construction in the Eastern and North-Eastern States, State-wise;

(b) the amount sanctioned for each line; and

(c) the time schedule fixed for completing each line?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) to (c). A statement is attached.

Statement

Particulars Of The New Lines Under Construction In The Eastern And North Eastern States.

Name of the work	Length in Kms.	Cost (Rs. in crores)	Date of sanction	Target date of completion.
(1)	(2)	(3)	(4)	(5)
1. Jhanjharpur-Laukahabazar MG (Bihar)	42 30	2·58	25-6-74	June'76 (Tentative)
2. Saraigarh-Pratapganj MG (Bihar)	23·0	1·61	29-5-73	Opened to traffic in June, 1974.
3. Pratapganj-Forbesganj (Bihar)	41·00	3·37	22-10-73	(Opened to traffic in October 1975.)
4. Bagaha-Chhitauni (U. P.) (Bihar)	28·41	6·74 (excluding cost of flood protection works)	9-11-73	1-4-79
5. Hasanpur Sakri (Bihar).	74·90	5·96	Estimate under sanction.	No date yet fixed.
6. Howrah-Amta BG line with Bargachia Champadanga branch line (W. Bengal)	73·53	10·72	6-12-75	1-4-79
7. Howrah-Sheakhala BG line (W. Bengal)	17·1	3·5	Estimate under sanction.	1-4-78
8. Remaining portion of Rail link to Haldia (W. Bengal)	17·1	13·30 (for the whole project)	31-1-63	June, 1976.
9. Banspani-Jakhapura (Orissa)	176·00	39·00	Final Location survey in progress.	

Policy of Drug Prices and Production

863. DR. RANEN SEN:
SHRIMATI ROZA DESHPANDE:

Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether Government have not yet announced the policy on drug prices and production;

(b) if so, the reasons for the delay; and

(c) whether the Organisation of Pharmaceutical Producers of India which represents multinationals Companies in India is now pressing for concession in order to meet the fifth plan objective of raising the output in drugs?

THE MINISTER OF CHEMICALS AND FERTILIZERS (SHRI P C.

SETHI): (a) and (b). The Committee on Drugs and Pharmaceutical Industry under the Chairmanship of Shri Jaisukh Lal Hathi has made comprehensive recommendations with regard to pricing of drugs. Preliminary exercises have been made regarding the implications of accepting the recommendations made by the Committee. It is found that the acceptance of the recommendations would in some cases help to bring prices down, but it would also in the case of a large number of essential drugs result in price increases. In view of these implications, Government is giving careful reconsideration to the question.

(c) The Organisation of Pharmaceuticals Producers of India, the Indian Drug Manufacturers Association and the All India Manufacturers Association have all submitted representations to Government on the question of pricing policy. These representations will be taken into consideration before finalising the new policy.

Allocation for Calcutta Tube Railway for 1975-76

864. SHRI A. K. KISKU: Will the Minister of RAILWAYS be pleased to state:

(a) whether Rs. 8.50 crores has been sanctioned for the Calcutta Tube Railway for the year 1975-76;

(b) if so, the work done upto-date and the money spent; and

(c) the work likely to be completed during the current financial year?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) A budget provision of Rs. 8.4 crores had been made for Tube Railway Project Calcutta for the year 1975-76.

(b) About 8 per cent of the Project work has been done upto December, 1975. Works on four main contract sections Nos. 1, 2, 11 and 12 are in progress and tenders for two other sections are under consideration.

A sum of approximately Rs. 14.01 crores has been spent on the Project upto November, 1975.

(c) Works on the awarded contract sections are not scheduled to be completed during 1975-76.

New Broad Gauge Line connection for Kandla Port and Gandhidham

865. SHRI P. G. MAVALANKAR: Will the Minister of RAILWAYS be pleased to state:

(a) whether Government are aware that Kandla Port and Gandhidham in Kutch, Gujarat are not connected by a broad gauge direct train with Delhi;

(b) whether Government propose to construct such a direct new broad gauge line;

(c) if so, when; and

(d) whether the existing broad gauge line between Bombay and Gandhidham (Kutch) *via* Ahmedabad is being extended upto Bhuj, Kutch?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) to (c). Kandla Port and Gandhidham are already connected with Delhi by a broad gauge line although there is no direct train between these stations and Delhi as it is not considered justified to provide a train via the circuitous BG route. A shorter metre gauge rail connection between Delhi, Kandla and Gandhidham also exists via Ajmer, Palanpur, and Deesa. Conversion of Delhi-Palanpur-Ahmedabad MG section to BG, which envisages laying of parallel BG lines over some sections, is under consideration.

A decision on this gauge conversion project will be taken after examination of the survey reports and subject to availability of adequate funds.

(d) Engineering-cum-traffic surveys have been carried out for the conversion of Gandhidham-Bhuj MG section into BG and survey reports are under examination. A decision will be taken after this examination is completed, subject to availability of adequate funds.

Conversion of Ernakulam-Quilon Line into Broad Gauge

866. SHRI C. K. CHANDRAPPAN: Will the Minister of RAILWAYS be pleased to state:

(a) whether the Ernakulam-Quilon sector of railways has already been converted into broad gauge;

(b) when is the conversion in Quilon-Trivandrum sector likely to be completed; and

(c) when do Government propose to start the running of express trains to Madras, Delhi, Mangalore and other places through this new line?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) Yes.

(b) By middle of 1976.

(c) The question of extension of long distance trains at present originating/terminating at Cochin, beyond Cochin will be duly considered after opening of Quilon-Trivandrum Broad Gauge section to passenger traffic.

Theft of Electric Transformer at Katri Pump House in Dhanbad

867. SHRI CHANDRIKA PRASAD: Will the Minister of RAILWAYS be pleased to state:

(a) whether there was a case of theft of Electric Transformer valued at some lakhs of rupees at Katri Pump House in Dhanbad, Eastern Railway; and

(b) if so, the action taken?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) and (b). Not the complete electric transformer but some of its non-ferrous parts valuing about Rs. 10,000 were reported stolen on the night of 26|27th January, 1975. The transformer was lying inoperative for about three to four months.

Katras Police Station registered the case U/S 379 of I.P.C. on 27th January, 1975 but have closed the same as untraced.

The Chowkidar, Pump Engine Driver and the Cleaner on duty have been placed under suspension. The Departmental Enquiry is in progress

सवाई माधोपुर-जयपुर लाइन को बड़ी लाइन में बदलना

868. श्री ओंकार लाल बेरवा : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सवाई माधोपुर-जयपुर मीटर गेज लाइन को बड़ी लाइन में बदलने का विचार है; और

(ख) यदि हो, तो कब तक ?

रेल मंत्रालय में उप मंत्री (श्री बूटा सिंह) (क) और (ख) दिल्ली-अहमदाबाद मीटर लाइन को बड़ी लाइन में बदलने के लिए सर्वेक्षण करते समय इस खण्ड को बड़ी लाइन में बदलने पर भी विचार किया गया था सवाई माधोपुर-जयपुर सहित, दिल्ली-अहमदाबाद मीटर लाइन के बड़ी लाइन के आमान-परिवर्तन की सर्वेक्षण रिपोर्टों की अभी

जांच की जा रही है इस जांच के पूरा हो जाने के बाद कोई निर्णय लिया जायेगा ।

Wagon-Breaking during Emergency

869. SHRI SAMAR GUHA: Will the Minister of RAILWAYS be pleased to state:

(a) cases of wagon-breaking recorded during the period of emergency;

(b) corresponding figures of such crimes in the previous year; and

(c) the steps taken by Government to deal with such crimes during the emergency?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) 1242 cases.

(b) 1741 cases.

(c) The following preventive measures have been taken to combat such incidents on the Railways:—

1. Most of the goods trains carrying valuable commodities like iron, cement, foodgrains sugar etc. moving in block loads are escorted by RPF particularly during night.

2 Close co-ordination and effective liaison is maintained with Government Railway Police and District Police.

3. Regular meetings at State Level and Basic Level Committee are held for discussing Railway crimes and allied matters.

4. Crime Intelligence Branch staff of the Divisions as well as of Head Quarters are deployed to collect criminal inteligence.

5 Pickets are deployed at all vulnerable yards and block sectors which are prone to crime.

6 A watch is kept on the use of the security devices on the wagons luggage vans viz. E P. locking, pad locking, riveting, bolting etc.

7. Action has been taken to detain known receivers of stolen property and habitual criminals under MISA and other Acts through the State Police authorities.

Revision of Policy regarding Allotment of Fruit and Tea Stall Contracts

870 SHRI DHAMANKAR: Will the Minister of RAILWAYS be pleased to state:

(a) whether there are a number of fruit, tea stall contractors who operate stalls at more than one place; and

(b) whether Government are considering revision of policy in allotment of such stalls?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) Yes.

(b) No.

अनुसूचित जाति के व्यक्तियों को उर्वरक एजेंसियों का आवंटन

871. **श्री हुकम चन्द कछवाय** : क्या रसायन और उर्वरक मंत्री यह बताने की कृपा करेंगे कि :

(क) वर्ष 1973–74 और 1974–75 में अनुसूचित जातियों और अनुसूचित जनजातियों के व्यक्तियों को राज्यवार पृथक-पृथक कितनी उर्वरक एजेंसियों का आवंटन किया गया;

(ख) कितनी एजेंसियों का आवंटन ऐसे स्नातकों को किया गया जो अनुसूचित जातियों और अनुसूचित जन-जातियों के नहीं थे;

(ग) एजेंसियां आवंटित करने की शर्तें क्या थीं, और

(घ) क्या ऐसे कोई मामले सामने आये हैं जिनसे निवेश करने वाले व्यक्ति वे होते हैं जिन्हें एजेंसियां आवंटित नहीं की जाती है?

रसायन और उर्वरक मंत्री (श्री पी० सी० सेठी) (क) से (घ) सूचना एकत्र की जा रही है और सभा पटल पर प्रस्तुत की जाएगी।

Assets, Turn Over and Remittances by Foreign Oil Companies

872. SHRI JYOTIRMOY BOSU. Will the Minister of PETROLEUM be pleased to state:

(a) total assets, turnover and profits of each of the foreign oil companies, *viz.* Burmah Shell, Caltex and Assam oil, year-wise during the last three years;

(b) paid-up capital of the above companies at present and the share of Indian nationals in this total in each of these companies; and

(c) total amount remitted by each of these companies under each head, *viz.* dividends, profits, royalties, head office expenses and interests, year-wise during the last three years?

THE DEPUTY MINISTER IN THE MINISTRY OF PETROLEUM (SHRI ZIAUR RAHMAN ANSARI) (a) and (b) The required information is given below —

Rs Crores

	1972			1973			1974		
	Burmah Shell	Caltex	Assam Oil (AOC)	Burmah Shell	Caltex	Assam Oil (AOC)	Burmah Shell	Caltex	Assam oil (AOC)
(i) Total assets (Net fixed assets plus current assets minus current liabilities)	55·00	17·29	12·79	57 78	19·10	14·55	60·27	53·23	18·50
(ii) Turnover	345·94	120·20	54·78	384·58	126·67	55·85	488·54	195·24	74·76
(iii) Profit + loss (—)	+2·21	+0·05	+0·03	+4·53	+1·82	+0·05	+1·15	(—)1·15	+0·05

(iv) Present paid up capital

Burmah Shell	Rs. 32·75 crores	No Indian nationals are holding shares in these companies.
Caltex	Rs. 9·23	
AOC	£ 4 million	

(c) Total amount actually remitted by Burmah Shell, Caltex and AOC during the years are indicated below:—

(Rs. Lakhs)

	1972			1973			1974			1975		
	Burmah Shell	Caltex	AOC	Burmah Shell	Caltex	AOC	Burmah Shell	Caltex	AOC	Burmah Shell	Caltex	AOC
(i) Dividends	108·3	138·45	..	47·1	..	..	..	113·85	27·58	53·9	11·46	27·58
(ii) Profits	6·4	..	..	(—)9·0	..	..	130·9	..	..	335·3	..	..

Note 3: No remittances towards inlakhs each by Assam Oil Company in 1974 and 1975 mentioned above relate to the Oil India's dividends for the year 1964 which were due to Burmah Oil Company but paid over to Assam Oil Company for eventual remittance to the United Kingdom with the Reserve Bank of India's approval. No remittance of dividends or profits arising from Assam Oil Company's operations were made during the years under reference.

Note 2: No remittances of royalties technical services fees and head office expenses were made by Burmah Shell, Caltex and Assam Oil Company during the years under reference.

Note 3: No remittances towards interests were made by Burmah Shell and Caltex. Assam Oil Company remitted the following amounts of interest on loan from Bank of Scotland, London:

1973 . . .	£6521
1974	£4064
1975	£1398

Note 4: The minus figure of Rs. 9 lakhs shown as inward remittance under profit of Burmah Shell in 1973 is the amount adjusted in Exchange Control Slate under Crude supplies, freight and others.

कोरबा, मध्य प्रदेश में उर्वरक संयंत्र

873. **डा० लक्ष्मीनारायण पांडेय** : क्या रसायन और उर्वरक मंत्री यह बताने की कृपा करेंगे कि :

(क) कोरबा (मध्य प्रदेश) में स्थापित किया जा रहा उर्वरक संयंत्र कब से उत्पादन करना आरम्भ कर देगा,

(ख) संयंत्र की स्थापना तथा उत्पादन के लिये मूलत क्या तिथि निर्धारित की गई थी, और

(ग) इस सम्बन्ध में विलम्ब के क्या कारण है ?

रसायन और उर्वरक मंत्री (श्री पी० सी० सेठी) . (क) से (ग) साधनों की कठिनाई के कारण इस परियोजना का कार्य धीमा पड गया है और परियोजना को पूरी करने की संशोधित अनुसूची का अभी तक निश्चय नहीं किया गया है ।

बंगलादेश द्वारा यात्री डिब्बों, माल डिब्बों और इंजनों का लौटाया जाना

874. **डा० लक्ष्मीनारायण पांडेय** : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) बंगलादेश को भारत द्वारा दिये

गये ऐसे व्यक्तियों, माल डिब्बों तथा इंजनों की संख्या क्या है जो लौटाये नहीं गये है; और

(ख) सरकार ने इस बारे में अब तक क्या कार्यवाही की है ?

रेल मंत्रालय में उपमंत्री (श्री बूटा सिंह) : (क) कुछ नहीं ।

(ख) प्रश्न नहीं उठता ।

औषधियों का आयात और देश में मूल औषधियों का उत्पादन

875. **डा० लक्ष्मीनारायण पांडेय** : क्या रसायन और उर्वरक मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या इस समय लगभग 30 करोड रुपयों के मूल्य की मूल औषधियों का आयात किया जा रहा है,

(ख) इस आयात में कमी करने के लिये औषध कारखानों की उत्पादन क्षमताओं में वृद्धि करने के लिये क्या उपाय किये गये हैं,

(ग) इस समय देश में उत्पादित मूल औषधियों के नाम और उनका वार्षिक उत्पादन क्या है तथा देश में इस समय उनकी वार्षिक मांग क्या है, और

(घ) पांचवी योजना के अन्त तक उनकी कितनी मांग होगी और इसे पूरा करने के लिये क्या उपाय करने का विचार है ?

रसायन और उर्वरक मंत्री (श्री पी० सी० सेठी) . (क) वर्ष 1974-75 के दौरान आयातित औषधों और औषध मध्यवर्ती पदार्थों के मूल्य 45.69 करोड़ रुपये के अनुसार ।

(ख) से (घ). वर्ष 1974 और 1975 के दौरान महत्वपूर्ण मूल औषधों से सम्बन्धित सामग्री और पांचवी पंचवर्षीय योजना के अन्त तक उनकी अनुमानित मांग विवरण में दी है ।

सरकार देश में मूल औषधों का निर्माण बढ़ाने के सम्बन्ध में अनेक कदम उठा रही है आई डी पी एल और एच ए एल द्वारा सिन्थेटिक औषधों एन्टीबायोटिक्स और सूत्रयोगों का उत्पादन शुरु करने के लिए पांचवी पंचवर्षीय योजना में 70 करोड रुपये की व्यवस्था की गई है । सरकार ने आई डी पी एल के सिन्थेटिक औषध संयंत्र का 21 79 करोड रुपये के निवेश से विस्तार करने की अनुमति दे दी है । जिससे 1988 मी टन से बढकर 3386 मी टन तक उत्पादन क्षमता में वृद्धि हो जाएगी । आई डी पी एल बिहार में 8 58 करोड रुपये के पूंजीगत परिव्यय से एक निकोटामिड संयंत्र की स्थापना करने का प्रस्ताव भी है और 15 69 करोड रुपये के निवेश से एन्टीबायोटिक्स संयंत्र की क्षमता का विस्तार करने का प्रस्ताव भी है । उसी प्रकार हिन्दुस्तान एन्टीबायोटिक्स लि० ने अपने पेंसिलीन और स्ट्रेप्टोमाइसिन संयंत्रों की क्षमता का विस्तार करने का भी प्रस्ताव रखा है जिसके लिए क्रमश 2 92 करोड रुपये और 2 91 करोड रुपये की रकम निहित है । गैर सरकारी क्षेत्र में भी मूल औषधों का निर्माण करने और ऐसी औषधों का निर्माण करने के लिए विद्यमान क्षमताओं का विस्तार करने के लिए 1975 के दौरान अनेक अनुमतियां प्रदान की गई है अधिकांश विदेशी साम्य पूंजी की भागीदार वाले औषध यूनिटों के मामले में प्राय. अपूर्ण

औषधों का मूल रूप से निर्माण करने से असम्बद्ध औषध सूत्रयोगों की कोई अनुमति प्रदान नहीं की जाती है । इस कार्य-कलाप का मूल निर्माण करने के वास्ते उनकी क्षमता का विस्तार जिस योजना के अन्तर्गत औषध फर्में कर सकती है उस योजना का सरकार घोषणा कर चुकी है उसके लिए कच्चे माल का आयात और पूंजीगत माल का शामिल करना नहीं है ।

अनुमानित मांग और स्वीकृत क्षमताओं के अन्तर के सम्बन्ध में उद्यमियों के मार्ग दर्शन के लिए सामग्री का प्रकाशन "उद्योग सम्बन्धी मार्गदर्शन" पत्रिका में किया जाता है जिसमें अन्य कई लाभप्रद सूचनाएं भी दी होती है ।

विवरण

प्रमुख औषध का नाम	उत्पादन		पांचवी योजना का लक्ष्य
	1974	1975	
1	2	3	4
एण्टीबायोटिक्स			
पेन्सिलीन	254 एम एम यू	255 एम एम यू	780 एमएम यू
स्टेप्टोमाइसिन	187 मी० टन	185 मी टन	825 मी० टन
टेट्रोसाइक्लिन	117 ,,	200 ,, ,,	393 ,, ,
एण्टी-टी-बी औषध			
आईएनएच	93 ,,	115 ,,	26 5 ,,
पीएएस और इसके साल्ट	464 ,,	6 00 ,,	1000 ,,
एन्टिपायरेटिक्स/एनल्जेसिरप			
एस्पीरीन	800 ,,	1000 ,,	1900
पैरासिटामाल	123 ,,	120 ,,	400
डं अनल्जीन	179 ,,	202 ,,	400
एण्टीडायबेटीज औषध			
इन्सुलीन	657 एम यू	6 50	3000
टालबूटामिड	73 टन	25	75
क्लोरप्रोपामिड	8 ,,	6	40

1	2	3	4
स्टीडायसेन्टरी औषध			
हैलोजिनटिड आविसम्बिनोलाइनसव	67 टन	150	450
एण्टीनिप्रोटिक्स औषध			
डी डी एस और उसके डेरिवेटिव्ज	5 ,,	9	8
एण्टी मलेरिया			
क्लोरोक्विन और एमोडिआक्विन	37 ,,	30	205
विटामिन्स			
विटामिन्स ए	46 एमएमयू	28	80
विटामिन्स बी 1	19	25	100
विटामिन्स बी 2	..	5	24
विटामिन्स बी 12	152 कि० ग्रा०	180	300
विटामिन्स सी	220 मी टन	325	900

बाल विवाह अवरोध अधिनियम

876 **डा० लक्ष्मीनारायण पांडेय** : क्या विधि, न्याय और कम्पनी कार्य मंत्री यह बताने की कृपा करेंगे कि

(क) क्या इस समय बाल विवाह अवरोध अधिनियम के अन्तर्गत बाल विवाह प्रज्ञेय अपराध नहीं है और

(ख) यदि हां तो क्या सरकार का विचार इसे प्रज्ञेय अपराध बनाने का है ताकि बाल विवाह की प्रवृत्ति को रोका जा सके ?

विधि न्याय और कम्पनी कार्य मंत्रालय में राज्य मंत्री (डा० बी० ए० सैयद मोहम्मद) : (क) बालक विवाह अवरोध अधिनियम, 1929 के अधीन अपराध संज्ञेय नहीं है किन्तु गुजरात राज्य में, स्थानीय संशोधन द्वारा इन अपराधों को संज्ञेय बनाया गया है ।

(ख) भारत में महिलाओं की प्रास्थिति संबंधी समिति द्वारा इस बारे में की गई कतिपय सिफारिशों को ध्यान में रखते हुए इस विषय पर विचार किया जा रहा है ।

पैट्रोल पम्पों और मिट्टी के तेल की एजेंसियों का आवंटन

877. **श्री रामावतार शास्त्री** : क्या पैट्रोलियम मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार पैट्रोल पम्प तथा मिट्टी के तेल की ऐजेंसियां फ़ौज के अवानों

की विक्रयशालों एवं आक्टेनों तथा इंजीनियरी स्नातकों को देने की नीति पर चल रही है;

(ख) यदि हां, तो वर्ष 1975 के दौरान ऐसे कितने व्यक्तियों को, राज्यवार, लाइसेंस दिये गये;

(ग) क्या कुछ व्यक्तियों को एक से अधिक एजेंसियां दी गई हैं; और

(घ) यदि हां, तो इसके क्या कारण हैं ?

पेट्रोलियम मंत्रालय में उप मंत्री (श्री जियाउर्रहमान अंसारी) : (क) जी हां, विभिन्न पेट्रोलियम उत्पादों की एजेंसियां देने के लिए इण्डियन आयल कारपोरेशन द्वारा अपनाई गई सामाजिक उद्देश्य योजना के अन्तर्गत इन वर्गों को शामिल कर लिया गया है ।

(ख) वर्ष 1975 के दौरान दो योजनाओं के अन्तर्गत इण्डियन आयल कारपोरेशन ने फुटकर पेट्रोल पम्पों और मिट्टी के तेल की डीलरशिपों को निम्न प्रकार शुरू किया ।

क्रम सं०	राज्य का नाम	रक्षा	योजना	बेरोजगार स्नातकों की योजना	
1	2	3	4	5	6
		आर ओ	एस के ओ/ एल डी ओ	आर ओ	एस के ओ, एल डी ओ
1	हरियाणा	1	2	..	..
2	उत्तर प्रदेश	1	14	.	..
3	संघशासित क्षेत्र (दिल्ली)	1	..	..	..
4	संघशासित क्षेत्र चंडीगढ़	..	1	..	..
5	राजस्थान	2	2	..	..
6	पंजाब	..	3	..	..
7	जम्मू एण्ड काश्मीर	..	3	..	..
8	हिमाचल प्रदेश	..	2	..	..
9	मनिपुर	1	3	..	..
10	पश्चिम बंगाल	2	3	1	..
11	उड़ीसा	..	4	1	..
12	मध्य प्रदेश	..	5	..	..
13	असम	..	3	..	..
14	बिहार	..	4	..	..
15	गुजरात	2	1	..	..
16	महाराष्ट्र	1	1	..	..
17	तमिलनाड़	1	19	..	..
18	केरला	1	4	..	..
19	आं.प्र प्रदेश	..	9	1	..
20	करनाटक	1	3	..	..
		14	86	3	..

(ग) और (घ) प्रत्येक को लाइट रिटेल आउटलेट्स (एस्सो परिवर्तित) के चलाने वाले दो डीलरों को इन पार्टियों को दिए पहले वचन की वजह से अन्य ऐसे आउटलेट्स दिए गए थे ।

Petro-protein plant in Gujarat Refinery

878 SHRI P GANGADEB Will the Minister of PETROLEUM be pleased to state

(a) whether India has joined the select band of countries namely France, Holland and USSR in extracting protein from crude oil, and

(b) whether an integrated pilot plant of petro-protein of the Institute of Petroleum set up in Gujarat refinery went on stream on 2nd May, 1975 to produce petro-protein products?

THE DEPUTY MINISTER IN THE MINISTRY OF PETROLEUM (SHRI ZIAUR RAHMAN ANSARI) (a) and (b) A pilot plant has been established by Indian Institute of Petroleum at the Gujarat refinery for producing petro proteins and has been commissioned on 2nd May 1975

Proposal of O & N G C to increase number of drilling rigs

879 SHRI P GANGADEB Will the Minister of PETROLEUM be pleased to state

(a) whether the Oil and Natural Gas Commission is increasing the number of deep drilling rigs in the country, and

(b) how many of these are going to be ear-marked for offshore operations?

THE DEPUTY MINISTER IN THE MINISTRY OF PETROLEUM (SHRI ZIAUR RAHMAN ANSARI): (a) Yes, Sir.

(b) For its offshore operations, the ONGC has deployed three rigs, of which one is owned by the Commission and the other two are on charter hire One more rig has been chartered by the ONGC which is expected to reach Indian waters in February, 1976

Arrangements with O P E C for Joint Ventures for fertiliser production

880 SHRI P NARASIMHA REDDY Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state whether arrangements have been/or are being concluded with the Organisation of Petroleum Exporting Countries for joint ventures for fertilizer production on product sharing basis?

THE MINISTER OF CHEMICALS AND FERTILIZERS (SHRI P C SETHI) No, sir However a proposal for setting up a joint venture fertilizer plant at Abu Dhabi is under consideration

Bengal Potteries

881 SHRI H N MUKHERJEE Will the Minister of LAW JUSTICE AND COMPANY AFFAIRS be pleased to state

(a) whether Monopolies and Restrictive Trade Practices Commission has asked Bengal Potteries to make fresh terms for sale, and

(b) if so the reasons and facts therefor?

THE DEPUTY MINISTER IN THE MINISTRY OF LAW JUSTICE AND COMPANY AFFAIRS (SHRI BEDA BRATA BARUA) (a) Yes Sir

(b) On an application made by the Registrar of Restrictive Trade Agree-

ments under section 10(a) (iii) of the M.R.T.P. Act, 1969 in August, 1972, the M.R.T.P. Commission instituted an inquiry into certain restrictive trade practices alleged to be indulged in by M/s. Bengal Potteries Ltd., by virtue of an agreement entered into by the company with M/s. Allied Distributors and Co., for the distribution and sale of its products. After necessary inquiry, the Commission found that the practices complained of by the Registrar were prejudicial to public interest and, therefore, passed an order on the 15th of December, 1975 restraining and prohibiting, *inter alia*, the company from indulging in those practices and also directing the company to formulate within 30 days of the date of order; fresh terms and conditions for the sale of its products to all buyers without discrimination and file a copy thereof with the Commission on affidavit within the said period. A Statement containing the relevant extracts of the Commission's order in this behalf, is laid on the Table of the House. [*Placed in Library. See No. LT-10168/76*]

उच्च न्यायालयों की नयी पीठें

882. श्री हरी सिंह : क्या विधि, न्याय और कम्पनी कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या गत तीन वर्षों में देश में कई स्थानों पर कुछ उच्च न्यायालयों की नयी पीठें (बैंच) खोली गई है, और

(ख) यदि हां तो नयी पीठें कहां-कहां खोली गई हैं ?

विधि, न्याय और कम्पनी-कार्य मंत्री (श्री एच० आर० गोखले) : (क) और (ख). पूर्वोत्तर क्षेत्र पुनर्गठन अधिनियम, 1971 की धारा 31(3) के अधीन शिलांग में एक सर्किट न्यायालय गोहाटी उच्च न्यायालय के अन्तर्गत स्थापित किया गया है ।

उत्तर रेलवे और दक्षिण रेलवे में लगे सफाई कर्मचारियों के लिए क्वार्टर

883. श्री हरी सिंह : क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(क) उत्तर रेलवे और दक्षिण रेलवे में काम कर रहे चतुर्थ श्रेणी के सफाई कर्मचारियों की संख्या क्या है;

(ख) उनमें से कितने कर्मचारियों को रेलवे के स्टाफ क्वार्टर मिले हुए हैं, और

(ग) उक्त विभागों में लगे शेष सफाई कर्मचारियों को कब तक क्वार्टर अलाट कर दिये जायेंगे ?

रेल मंत्रालय में उप मंत्री (श्री बूटा सिंह) : (क) से (ग). दक्षिण रेलवे के सम्बन्ध में सूचना नीचे दी गई है :—

(क) 4795

(ख) 1827

(ग) क्वार्टरों के आवंटन के लिए सफाई कर्मचारियों को 'अनिवार्य' के रूप में वर्गीकृत किया जाता है । सफाई कर्मचारियों सहित अनिवार्य कर्मचारियों को क्वार्टरों का आवंटन उपलब्धता के अनुसार होता है ।

उत्तर रेलवे से सम्बन्धित सूचना इकट्ठी की जा रही है और सभा पटल पर रख दी जायेगी ।

खेलों में दक्षता के आधार पर मंत्रालय में भर्ती

884. श्री हरी सिंह : क्या रेल मंत्री यह बताने की कृपा करेंगे कि .

(क) क्या उनके मंत्रालय में वर्ष 1974 और 1975 के दौरान खेल-कूद तथा एथलेटिक्स में दक्षता के आधार पर विभिन्न पदों पर सीधे नियुक्तियां की गई थी, और

(ख) यदि हां, तो उनकी संख्या क्या है तथा उपरोक्त क्षेत्रों में दक्षता के आधार पर विभिन्न पदों पर अनुसूचित जाति के कितने उम्मीदवारों को सीधे नियुक्त किया गया है ?

रेल मंत्रालय में उप मंत्री (श्री बूटा सिंह): (क) जी हां ।

(ख) पूर्व, दक्षिण और दक्षिण-मध्य रेलों को छोड़कर शेष सभी रेलों पर इस अवधि में 427 खिलाड़ियों को भर्ती किया गया । इनमें से 5 खिलाड़ी अनुसूचित जातियों के थे । पूर्व, दक्षिण और दक्षिण-मध्य रेलों से सूचना इकट्ठी की जा रही है और सभापटल पर रख दी जायेगी ।

Re-instatement of Railway Employees

885. SHRI SOMNATH CHATERJEE. Will the Minister of RAILWAYS be pleased to state how many railway employees who were dismissed from services in connection with Railway strike in 1974 have been reinstated by reason of judicial decisions or reviews undertaken by the Ministry?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH). Out of 16898 Railway employees dismissed/removed from service during May 1974 Railway strike, 16057 have been taken back.

Vacancies in Supreme Court

886. SHRI SOMNATH CHATTERJEE·
SHRI P. G. MAVALANKAR·

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the numbes of vacancies of Judges in the Supreme Court; and

(b) when these vacancies occurred and when the same are likely to be filled up?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): (a) Two.

(b) One vacancy occurred on 17th October, 1975, and the other occurred on 3rd January, 1976. One of the vacancies is likely to be filled up in next few days.

सहारनपुर तथा पिलखनी स्टेशनों के बीच रेल वैगनों से लोहे की चोरी

887. श्री मुल्की राज सैनी : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या समाज विरोधी तत्व उत्तर रेलवे पर सहारनपुर तथा पिलखनी स्टेशनों के बीच खुले वैगनों से लोहा ले जाते हैं; और

(ख) यदि हां, तो सरकार ने चोरी की घटनायें रोकने के लिए क्या प्रबंध किये हैं ?

रेल मंत्रालय में उपमंत्री (श्री बूटा सिंह). (क) जी नहीं ।

(ख) तथापि परेषणों की उठाईगीरी को रोकने के लिए, महत्वपूर्ण मालगाड़ियों में अनुरक्षी दलों को चलाने के अतिरिक्त सहारनपुर और पिलखनी रेलवे स्टेशनों के बीच भेद्य स्थानों में सशस्त्र पहरे की व्यवस्था भी की गयी है ।

Complaints about defective sanitary installations in Second Class Compartments

888. SHRI SHASHI BHUSHAN: Will the Minister of RAILWAYS be pleased to state:

(a) whether Government have received complaints to the effect that the

sanitary installations in 2nd Class compartments in the Indian Railways are very defective; and

(b) the steps taken or proposed to be taken to improve their condition?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) and (b). The sanitary installations in Second Class compartments are generally satisfactory. However, in spite of all out efforts, deficiencies do occur at times, primarily due to large scale acts of vandalism, thefts or some time failure of equipment, delayed supplies of material and human lapses in upkeep and maintenance.

Efforts have been intensified to further improve the cleanliness and maintenance of passenger coaches By and large, the conditions have improved considerably Apart from all the coaches in service being periodically overhauled, defects, deficiencies, if any, and cleanliness are attended to at the start and end of almost every trip. System of monitoring the condition of coaches exists on all Railways.

Electric Traction on Indian Railways

889. SHRI SHASHI BHUSHAN: Will the Minister of RAILWAYS be pleased to state:

(a) what is the route mileage so far electrified on Indian Railways;

(b) proposals for extension of electric traction on Indian Railways during the Fifth Plan; and

(c) the estimated expenditure involved?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) 4594 route kilometres.

(b) Electrification of the following sections has been sanctioned for execution during the Fifth Five Year Plan:

Section	*Route Kilometres*
1. Tundla-Delhi	259
2. Waltair-Kirandul	471
3. Madras-Vijayawada	433
4. Madras-Trivellore	42

(c) The above electrification schemes are estimated to cost Rs. 139.05 crores.

Thermal Power Station for Railways

890. SHRI TUNA ORAON: Will the Minister of RAILWAYS be pleased to state:

(a) whether any decision has been taken for setting up Thermal Power Station for Railways in Asansol (West Bengal);

(b) the action taken upto-date in this regard; and

(c) when will these Thermal Power Stations be completed?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) Ministry of Railways in consultation with the Planning Commission have decided to set up 3 Thermal Power Stations each of 2 X 110 MW capacity—one in West Bengal near Asansol, one in Bihar and one in Uttar Pradesh. These will run inter-connected with respective State grids to provide reliable and assured power supply for Railway traction loads and other vital loads on a long-term basis.

(b) The site studies for these Power Stations have been carried out and Feasibility Reports prepared and submitted to the Planning Commission, Ministry of Energy and Central Electricity Authority. These Feasibility

Reports are being scrutinised by the Central Electricity Authority.

(c) After the Feasibility Reports are cleared by Central Electricity Authority and approved by the Planning Commission and necessary funds are allotted to take up the work, the Ministry of Railways would initiate action for setting up these Power Stations.

Fertiliser project at Haldia, West Bengal

891. SHRI TUNA ORAON: Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state

(a) whether a fertilizer project at Haldia (West Bengal) was taken up in 1972; and

(b) the steps being taken to keep the completion time schedule?

THE MINISTER OF CHEMICALS AND FERTILIZERS (SHRI P. C SETHI): (a) and (b). The Fertilizer Project of Haldia was taken up for implementation in 1972 There has been some delay in the implementation of this project; this was due mainly to the slow progress of the piling work on account of labour problems and delays in the delivery of certain items of equipment The progress of the project, including fabrication delivery, etc, of all items of equipment is now being closely monitored and the project is now expected to be completed in the first quarter of 1978.

Building of Jaunpur Railway Station

892. SHRI RAJDEO SINGH. Will the Minister of RAILWAYS be pleased to state:

(a) whether building of Jaunpur Railway Station (Northern Railway Lucknow Division) is more than 100 years old;

(b) whether cracks appearing in the building are making the whole structure unsafe and dangerous; and

(c) whether Government propose to reconstruct the station building?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) and (b). Jaunpur Railway Station building was constructed about 70 years ago. There are no cracks in the building and it is structurally safe.

(c) No.

Conversion of Halt stations into full-fledged stations

893 SHRI RAJDEO SINGH: Will the Minister of RAILWAYS be pleased to state:

(a) whether the Railways have adopted the policy of conversion of a Halt Station progressively into a full-fledged station when its earnings warrant a change for better; and

(b) whether Manikalan Halt and Pindara Halt Stations between Faizabad and Varanasi Cantt stations on Northern Railway in Lucknow Division warrant such up gradation?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) The possibility of converting 'Halts' into 'Flag' stations is considered wherever justified.

(b) No

Allotment of amount to Bihar from Railway Safety Works Fund

894 SARDAR SWARAN SINGH SOKHI Will the Minister of RAILWAYS be pleased to state:

(a) the amount allotted to Bihar State from Railway Safety Works Fund of the Railways, for the financial year ending 31st March, 1976;

(b) whether any such money allotted to Bihar during the past three years has lapsed;

(c) the balance share of Bihar state left unused during the current financial year; and

(d) whether this money could be utilised for construction of road overbridges for public safety?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) Rs. 23 lakhs (App.).

(b) No, Sir.

(c) Rs. 127 lakhs (App.); and

(d) Yes, after the necessary works have been included in the Budget.

Bogies of goods trains lying at accident sites

895 SARDAR SWARAN SINGH SOKHI: Will the Minister of RAILWAYS be pleased to state:

(a) the reasons why bogies of goods trains which meet with accidents are left lying at the accident sites for years together after the tracks are cleared; and

(b) whether any survey has been made by the Railway authorities in this regard?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) Salvaging of wagons involved in accidents is done as quickly as practicable. However, in certain cases, delay takes place due to operational difficulties and difficult terrain. In certain rare cases, cutting up and removal of scrap is also found uneconomical as there are no approach roads whatsoever.

(b) Yes. The position is kept under constant watch.

Cancellation of agencies of Petroleum products

896. SARDAR SWARAN SINGH SOKHI: Will the Minister of PETROLEUM be pleased to state:

(a) the number of Government authorised dealers whose agencies for Petrol, Kerosene, Diesel and Domestic Gas were cancelled during the current emergency, State-wise; and

(b) whether Government have taken any action against these dealers?

THE DEPUTY MINISTER IN THE MINISTRY OF PETROLEUM (SHRI ZIAUR RAHMAN ANSARI): (a) and (b). The number of agencies of public sector oil companies cancelled after the current emergency are given below State-wise:

Sl. No.	Name of State	No. of dealers
A.	SKO LDO DEALERSHIPS	
1.	Gujarat	1
2.	Maharashtra	2
3.	Andhra Pradesh	1
4.	Karnataka	1
5.	Bihar	4
6.	West Bengal	2
7.	Tamil Nadu	2
B.	RETAIL OUTLET DEALERSHIPS	
1.	Gujarat	3
2.	Maharashtra	2
3.	West Bengal	1
4.	Bihar	1
5.	Punjab	1
6.	Orissa	1
C.	INDANE DISTRIBUTORSHIP	
1.	Madhya Pradesh	1
2.	Uttar Pradesh	1

Except in about 12 cases where cancellation was done by the Oil Companies on account of indifferent working of the dealer, etc., in the remaining cases, action has been taken against the dealers at the instance of the concerned State Governments and District authorities.

Estimated cost of execution of Konkan Railway project between Bombay and Mangalore

897 SHRI DHAMANKAR: Will the Minister of RAILWAYS be pleased to state:

(a) when is the Konkan Railway Project, connecting Bombay-Mangalore *via*. Ratnagiri, which would cut short considerably the distance for passengers bound for Konkan and Mangalore, likely to be executed,

(b) what is the estimated cost of the entire Project,

(c) whether any amount has been earmarked for it in the current annual budget, and

(d) what are the resources which have been tapped to augment the funds required for the execution of this Project?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) to (d) Final Location Survey on the Apta (near Bombay) to Dasgaon section, portion of the Konkan Railway has been completed and the reports are under examination Final Location Survey between Dasgaon and Ratnagiri including spot checks between Ratnagiri and Mangalore has already been sanctioned and is in progress. The construction of the line will be considered further after completion of surveys and examination of the survey reports The entire project from Apta to Mangalore of 909 kms length was estimated to cost Rs 300 crores including the cost of rolling stock when the preliminary survey was carried out in 1972. The construction of this project has been included in the list of railway lines for development of backward areas The Planning Commission have already been approached for allocation of additional funds to the tune of Rs. 255 crores over and above the allotment of Rs. 100 crores in the 5th Plan for undertaking projects for the development of backward areas. They have however, not been able to allot funds for this purpose in view of the present difficult financial situation.

Work on Howrah-Amta Railway

898 SHRI S N SINGH DEO Will the Minister of RAILWAYS be pleased to state

(a) whether the work for Howrah-Amta railway has been started, and

(b) if so, the work done up-to-date and the money spent?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH) (a) and (b) The construction of Howrah Amta B G rail link has recently been sanctioned at an estimated cost of Rs 10 72 crores Acquisition of land for the project is in progress An amount of Rs 50 lacs has been sanctioned for this project during the current financial year which is likely to be spent

Completion of Eklekhi-Balurghat Traffic Survey

899 SHRI A K KISKU Will the Minister of RAILWAYS be pleased to state

(a) whether Eklekhi-Balurghat Traffic Survey has been completed, and

(b) if so, the salient features of the action taken on the basis of the survey?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) Yes.

(b) The Traffic Survey for Eklakhi-Balurghat proposed new B.G. line, 90 kms., revealed that the lines would cost Rs. 11.18 crores and yield a return of (—) 2.07 per cent in the 6th year of opening. In view of the difficult financial position, it may not be possible to take up this project at present. The project has however been included in the list of projects to be taken up for the development of backward areas for which the Planning Commission have been approached to make additional funds available to the Railways.

Construction of Dharmanagar-Kumarghat Railway Line

900. SHRI A. K KISKU: Will the Minister of RAILWAYS be pleased to state:

(a) whether the work on 34 kilometre Railway line at the cost of Rs. 8.50 crores for Dharmanagar-Kumarghat, which was proposed in 1974-75 Railway Budget has already been undertaken; and

(b) if so, the work done thereon?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) and (b). The work for the construction of Dharmanagar-Kumarghat new M.G. line was proposed to be taken up in the Railway Budget for 1974-75 at the cost of the N.E. Council. As the North-Eastern Council, Shillong, have not yet made the required funds available the project could not be taken up.

Survey for Chandigarh-Ludhiana Railway Line

901. PROF. NARAIN CHAND PRASHAR: Will the Minister of RAILWAYS be pleased to state:

(a) whether the survey for the Chandigarh-Ludhiana Railway line has since been completed; and

(b) if so, the likely date when the construction work will begin?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) and (b). Final Location Survey carried out in 1973 at the cost of the State Governments of Punjab, Haryana and the Union Territory of Chandigarh, revealed that the Chandigarh-Ludhiana portion (95 kms.) of the proposed Jagadhri-Chandigarh-Ludhiana rail link will cost Rs. 19.56 crores and yield of return of 0.25 per cent in the 6th year of its opening. In view of the very limited prospects of traffic, low financial returns and the prevailing difficult position of funds, the State Government of Punjab have been approached to agree to bear the cost of land and earthwork as has been done by many other States, for taking up projects of similar nature for the development of backward areas. The State Government of Punjab have now advised that the Railway Ministry's offer could be considered if alignment is taken from Chandigarh to Rajpura via Mohali. No investigations have yet been carried out for the proposed rail link. The State Government have been advised to agree to bear the cost of the proposed surveys before the proposal could be considered further.

Discovery of Natural Gas in Gulf of Kutch

902. SHRI P. G. MAVALANKAR: Will the Minister of PETROLEUM be pleased to state:

(a) whether a natural gas field has been discovered in the Gulf of Kutch, near Okha Port in Jamnagar District, Gujarat;

(b) if so, broad features of the said successful drilling operations;

(c) at what depth the gas was struck; and

(d) whether a big oil field in the said region is being explored?

THE DEPUTY MINISTER IN THE MINISTRY OF PETROLEUM (SHRI ZIAUR RAHMAN ANSARI): (a) No, Sir.

(a) and (c). Do not arise.

(d) Marine geophysical surveys carried out in the area have indicated structural possibilities. Exploratory drilling has therefore been taken up. The results will be known after the well is completed and tested.

भारत में कार्य कर रहे न्यायाधिकरण (ट्रिब्युनल)

903. **श्री मूलचन्द डागा** : क्या विधि, न्याय और कम्पनी कार्य मंत्री यह बताने की कृपा करेंगे कि इस समय देश में ऐसे कुल कितने न्यायाधिकरण कार्य कर रहे है जिनमे उच्च न्यायालय और सर्वोच्च न्यायालय के सेवानिवृत्त अथवा वर्तमान न्यायाधीश कार्य कर रहे है ?

विधि न्याय और कम्पनी कार्य मंत्री (श्री एच० आर० गोखले) : जानकारी इकट्ठी की जा रही है और सदन के पटल पर रख दी जाएगी

माल डिब्बों और सवारी डिब्बों की मरम्मत के लिये सामग्री का उपलब्ध न होना

904. **श्री मूलचन्द डागा** : क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(क) इस समय समग्र कितने माल डिब्बे और सवारी डिब्बे मरम्मत के लिए पड़े हुए हैं , और

(ख) क्या हजारों कुशल मिस्त्री और मजदूर इसलिए बेकार बैठे कयोंकि उन्हें अपेक्षित पुर्जों के उपलब्ध न होने के कारण वे इन माल डिब्बों और सवारी डिब्बों की मरम्मत नहीं कर सकते ?

रेल मंत्रालय में उप-मंत्री (श्री सूरज सिंह) : (क) भारतीय रेलों पर कारखानों और मरम्मत लाइनों में चौपहियों के हिसाब से बड़ी लाइन के 14,126 मीटर लाइन के 3,852 माल डिब्बे तथा बड़ी लाइन के 2,461 और मीटर लाइन के 1,257 सवारी डिब्बे मरम्मत के अधीन और मरम्मत की प्रतीक्षा मे है । यह संख्या भारतीय रेलों पर बड़ी लाइन और मीटर लाइन के कुल माल डिब्बो का क्रमश: 3 87 और 3.64 प्रतिशत है । यह माल डिब्बो के लिए निर्धारित लक्ष्यांक के भीतर ही है । किसी भी कारण से नकारा हुए बड़ी लाइन और छोटी लाइन के सवारी डिब्बो का प्रतिशत क्रमश 14.35 और 10 37 है । नकारा हुए सवारी डिब्बो का निर्धारित लक्ष्यांक 14 प्रतिशत है ।

(ख) जी, नही ।

Techno-Economic and Engineering Survey for Cochin-Alleppey Rail Link

905 **SHRI C K. CHANDRAPPAN** Will the Minister of RAILWAYS be pleased to state

(a) whether techno-economic and engineering survey of the rail link between Cochin and Alleppey has started;

(b) if so, when is it likely to be completed;

(c) whether Government intend to take the survey of Alleppey-Kayamkulam rail link and Tellicherry-Mysore rail link in the near future; and

(d) what is the result of the survey made for the Kuttippuram-Guruvayur rail link?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) Preliminary Engineering survey including updating of the Traffic survey carried out earlier for a B G. line from Ernakulam to Alleppey is in progress at the cost of Kerala State Government.

(b) Overall physical progress made so far on this survey is 40 per cent and it is expected to be completed by the middle of 1976.

(c) Due to the existing difficult financial position it will not be possible for the railways to take up these projects. However, the railways can take up the survey for the portion from Alleppey to Kayamkulam if the State Government of Kerala agree to bear the cost of this portion also as has been done for the survey from Ernakulam to Alleppey (in progress)

(d) The survey report has just been received and it is under examination The 60.08 kms line is estimated to cost Rs 10 73 crores and is expected to yield a return of 1.4 per cent DCF. A decision regarding construction of the line will be taken after the examination of the report is completed.

Proposal to reduce running time of Jayanti Janta Express from Delhi to Mangalore and Cochin

906 SHRI C. K: CHANDRAPPAN Will the Minister of RAILWAYS be pleased to state

(a) whether the running time of Jayanti Janta Express from Delhi to Mangalore and Cochin can be reduced considerably;

(b) whether this train is now being stopped at various stations for long durations due to too much of running time; and

(c) whether Government propose to take steps to reduce the running time of this train?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) to (c) The overall running time and the duration of halts of 132 UP/13IDN Nizamuddin-Mangalore/Cochin tri-weekly Jayanti Janata Express are consistent with traffic and operational requirements. Further speeding up of these trains is therefore, not possible at present.

Completion of Loukaha-Jhanjharpur and Sakri-Hasanpur Railway Lines

907. SHRI BHOGENDRA JHA Will the Minister of RAILWAYS be pleased to state the latest position with regard to the completion of the Loukaha-Jhanjharpur and Sakri-Hasanpur railway lines under Samastipur Division of North Eastern Railway and the exact operation schedule thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH) Jhanjharpur-Vachaspatinagar portion, which is about half the length of Jhanjharpur-Loukaha-Lazar line, is expected to be opened to traffic shortly Work on the remaining portion is also being progressed with the limited availability of funds. This new line in the backward area of Bihar was sanctioned on an understanding that the cost of land and earthwork shall be borne by the State Government. The State Government have expressed their inability to do so. The land owners may create problems. The State Government of Bihar have been approached to bear the cost of land and earthwork for the Hasanpur-Sakri new line which is an approved project The project will be taken up after the acceptance of the State Government is received.

Corruption Cases against Employees of Dhanbad Division (Eastern Railway)

908. SHRI CHANDIKA PRASAD: Will the Minister of RAILWAYS be be pleased to state how many Class I, Class II and Class III employees of Dhanbad Division, Eastern Railway are involved in the cases of corruption under investigation by C.B.I.?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): The number of employees of Dhanbad Division, Eastern Railway involved in cases of corruption at present under investigation by C.B.I. is as under.—

Class I	Nil
Class II	1.
Class III	28

Re-instatement of substitutes in each Department, Dhanbad Division (Eastern Railway)

909. SHRI CHANDRIKA PRASAD Will the Minister of RAILWAYS be pleased to state:

(a) how many substitutes in each Department of Railway in Dhanbad Division, Eastern Railway were removed in connection with May, 1974 Rail Strike;

(b) how many of them have been taken back to duty upto 31st December, 1975; and

(c) the reasons for not reinstating all of them?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH):

(a) Mechanical—223.
Traffic—23.

(b) Mechanical—165.
Traffic—18.

(c) They will be considered for re-employment as and when suitable vacancies become available.

Appointment of Wards of Loyal Employees in Dhanbad Division (Eastern Railway)

910. SHRI CHANDRIKA PRASAD: Will the Minister of RAILWAYS be pleased to state:

(a) whether sons and dependents of Class I, Class II and Class III employees in Class III and Class IV cadres in Dhanbad Division, Eastern Railway, have been appointed in the category of relations of loyal workers during May, 1974 Rail Strike;

(b) if so, the lists of such appointments, showing relationship to Class I, Class II and Class III employees, separately; and

(c) the names of Scheduled Caste and Scheduled Tribe candidates who got such appointments in Class III and Class IV cadres?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) Yes, only sons and daughters are eligible for appointment However in the case of Schedule Tribe employees other dependents are also eligible.

(b) Relevant information is being collected and will be laid on the Table of the Sabha

(c) The following three appointment of SC/ST candidates have so far been made in Class III--

(i) Shri Srikumar Mukesh SC Guard.

(ii) Shri Rajinder Kumar Rajak SC Clerk.

(iii) Shri Rabi Sanga ST Clerk.

Cases of 15 Scheduled Caste and 6 Scheduled Tribes candidates are still under consideration.

Appointment of substitutes and Class IV Employees in Dhanbad Division during 1975 (Eastern Railway)

911. SHRI CHANDRIKA PRASAD: Will the Minister of RAILWAYS be pleased to state:

(a) total number of substitutes and Class IV employees appointed in Dhanbad Division, Eastern Railway in 1975; and

(b) the percentage of relatives of Railway Employees and outsiders in the said appointments?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) and (b) The information is being collected and will be laid on the Table of the Sabha.

Halt Station at Siso between Darbhanga and Mohammadpur

912. SHRI BHOGENDRA JHA: Will the Minister of RAILWAYS be pleased to state:

(a) whether a halt at village Siso between Darbhanga and Mohammadpur Stations under Samastipur Division of North-Eastern Railway has been approved at a distance of 6 kilometres from Darbhanga;

(b) whether the train is halting at some other place and there are at present two halt stations by the name of Siso; and

(c) if so, the remedial steps proposed to be taken by Government?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) No approval was accorded to open a halt station near village Shahbazpur (and not village Siso) located at a distance of 5.75 Kms. from Darbhanga Junction between Darbhanga Jn. and Mohammadpur stations. It has been named as 'Shisho' on recommendation of the Government of Bihar.

(b) No.

(c) Does not arise.

Violation of M.R.T.P. Rules by Monopoly Houses

913. SHRI SAMAR GUHA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state;

(a) how many monopoly houses have been served with notice for violation of M.R.T.P. rules during the emergency; and

(b) whether Newspaper houses have also been served with similar notices during the same period?

THE DEPUTY MINISTER IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI BEDARATA BAURA): (a) and (b): During the period from 26th June, 1975 (when the Emergency was imposed) to 31st December, 1975, notices of inquiry have been served by the Monopolies and Restrictive Trade Practices Commission in 73 cases involving a number of understandings and others, in respect of restrictive trade practices alleged to be indulged in by them. These include a number of undertakings engaged in the publication of news papers in the country.

Scheme to sell Kerosene and other Articles at Petrol Pumps

914. SHRI JYOTIRMOY BOSU: Will the Minister of PETROLEUM be pleased to state:

(a) whether Government have drawn up a scheme to sell kerosene oil and other articles of mass consumption through Government-owned petrol pumps; and

(b) when the scheme is expected to be implemented?

THE DEPUTY MINISTER IN THE MINISTRY OF PETROLEUM (SHRI ZIAUR RAHMAN ANSARI): (a) At the instance of this Ministry, the public sector oil companies, namely, the Indian Oil Corporation Limited Hindustan Petroleum Corporation Limited and Indo-Burma Petroleum Company Limited, have launched a programme of converting ultimately a large number of their retail outlets in the rural and semi-urban areas into multipurpose rural distribution centres. Apart from the various petroleum products, including kerosene, these centres will also sell many commodities and services required by the rural population such as certified seeds, fertilizers and other agricultural inputs and essential commodities like controlled cloth, common household drugs, soaps, vanaspati and cooking oil (in sealed tins), tyres and tubes for cycles, tractor parts, torch cells, etc

(b): Uptill now one hundred and fourteen such centres have already been set up in various parts of the country.

Non-Utilization of Broad Gauge Wagons

915. SHRI JYOTIRMOY BOSU. Will the Minister of RAILWAYS be pleased to state:

(a) how many broad gauge wagons have been lying idle month-wise during the last 6 months; and

(b) factors responsible for non-utilisation of broad gauge wagons?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) The information is given below:—

Month	Daily average number of B.G. wagons lying idle.
July '75	352
Aug. '75	5176
Sep. '75	9533
Oct. '75	20730
Nov. '75	19932
Dec. '75.	10830

(b) The broad gauge wagons were surplus to requirement in the last six months due to less offtake of coal by major consumers such as thermal stations, cement plants etc., and also due to low levels of movement of iron ore for Export on account of slump in the world market.

I.O.C. Agreement with Castrol International for Technical Know-how on Lubricants

916. SHRI VASANT SATHE: Will the Minister of PETROLEUM be pleased to state.

(a) whether the Indian Oil Corporation is to sign an agreement with Castrol International for technical know-how on lubricants for its research and development centre at Faridabad; and

(b) if so, the broad features thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF PETROLEUM (SHRI ZIAUR RAHMAN ANSARI)):

(a) and (b): Yes, Sir. The agreement is yet to be signed.

12 hrs.

PAPERS LAID ON THE TABLE

DELIMITATION COMMISSION'S ORDERS RE. STATES OF MAHARASHTRA, PUNJAB, KERALA, HARYANA, WEST BENGAL, MIZORAM, KARNATAKA AND ARUNCHAL PRADESH, AND DELIMITATION OF COUNCIL CONSTITUENCIES OF BIHAR AND BOMBAY.

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DR. V. A. SEYID MUHAMMAD): I beg to lay on the Table—

(1) A copy each of the following Notifications (Hindi and English versions) under sub-section (2) of section 11 of Delimitation Act, 1972:—

(i) S.O. 722(E), published in Gazette of India dated the 22nd December, 1975 making certain corrections in Delimitation Commission's Order No. 30 dated the 7th December, 1974 in respect of the State of Maharashtra.

(ii) S.O 728(E) published in Gazette of India dated the 26th December 1975 making certain corrections in the Delimitation Commission's Order No. 41 dated the 24th May, 1975 in respect of the State of Punjab.

(iii) S.O. 737(E) published in Gazette of India dated the 29th December, 1975 making certain corrections in Delimitation Commission's Order No. 18 dated the 27th July, 1974 in respect of the State of Kerala.

(iv) S.O. 738(E) published in Gazette of India dated the 31st December, 1975 making certain corrections in Delimitation Commission's Order No. 28 dated the 2nd December, 1974 in respect of the State of Haryana.

(v) S.O. 739(E) published in Gazette of India dated the 31st December, 1975 making certain corrections in Delimitation Commission's Order No. 45 dated the 30th June, 1975 in respect of the State of West Bengal.

(vi) S.O. 740(E) published in Gazette of India dated the 31st December, 1975 making certain corrections in Delimitation Commission's Order No. 33 dated the 8th February, 1975 in respect of the Union Territory of Mizoram.

(vii) S.O. 3(E) published in Gazette of India dated the 2nd January, 1976 making certain corrections in Delimitation Commission's Order No. 29 dated the 5th August, 1974 in respect of the State of Karnataka. [*Placed in Library. See No.* LT-101/76].

(2) A copy of Notification No. S.O. 723(E) published in Gazette of India dated the 22nd December, 1975 making certain corrections in Election Commission's Order dated the 5th November, 1975 in respect of the Union Territory of Arunachal Pradesh, under sub-section (8) of section 43C of the Government of Union Territories Act, 1963. [*Placed in Library. See* No. LT-10156/76].

(3) A copy each of the following Notifications (Hindi and English versions) under sub-section (3) of section 13 of the Representation of the People Act, 1950:—

(i) The Delimitation of Council Constituencies (Bihar) Amendment Order, 1975, published in Notification No. G.S.R. 494(E) in Gazette of India dated the 16th September, 1975.

[Dr. V. A. Seyid Muhammad]

(ii) The Delimitation of Council Constituencies (Bombay) Amendment Order, 1975, published in Notification No. G.S.R. 589(E) in Gazette of India dated the 27th December, 1975. [*Placed in Library. See* No. LT-10157/76].

TARIFF COMMISSION REPORT ON PRICE STRUCTURE OF BON (BETA OXY NAPHTHOIC) ACID, 1974 AND GOVERNMENT RESOLUTION THEREON

THE DEPUTY MINISTER IN THE MINISTRY OF PETROLEUM (SHRI ZIAUR RAHMAN ANSARI): I beg to lay on the Table—

(1) A copy each of the following papers (Hindi and English versions) under sub-section (2) of section 16 of the Tariff Commission Act, 1951:—

(i) Report (1974) of the Tariff Commission on the Price Structure of BON (BETA OXY NAPHTHOIC Acid

(ii) Government Resolution No. 19011/4/75-PC.I dated the 14th January, 1976 Notifying Government's decisions on the above Report.

(2) A statement (Hindi and English versions) showing reasons as to why the documents mentioned above could not be laid on the Table within the period prescribed in sub-section (2) of section 16 of the said Act. [*Placed in Library See* No. LT-10158/76].

RULES UNDER MRTP ACT, 1969 NOTIFICATIONS UNDER COMPANIES ACT, 1956

THE DEPUTY MINISTER IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI BEDABRATA BARUA): I beg to lay on the Table—

(1) A copy of the Monopolies and Restrictive Trade Practices Commission (Recruitment and Conditions of Service of Director of Investigation) Rules, 1975 (Hindi and English versions) published in Notification No. G.S.R. 2785 in Gazette of India dated the 13th December, 1975, under sub-section (3) of section 67 of the Monopolies and Restrictive Trade Practices Act, 1969. [*Placed in Library. See* No. LT-10159/76].

(2) A copy of Draft Notification No. 15/30/75-IGC (Hindi and English versions) issued under sub-section (1) of section 620 of the Companies Act, 1956 regarding applicability of sections 198, 259, 268, 269, 309, 310, 311, 387 and 388 of the Companies Act, 1956 to Government Companies under sub-section (2) of section 620 of the said Act. [*Placed in Library. See* No. LT-10160/76].

(3) A copy each of the following Notifications under sub-section (3) of section 642 of the Companies Act, 1956:—

(i) The Companies (Central Government's) General Rules and Forms (Amendment) Rules, 1975, (Hindi version) published in Notification No. G.S.R. 936 in Gazette of India dated the 2nd August, 1975.

(ii) The Companies (Central Government's) General Rules and Forms (Second Amendment) Rules, 1975 (Hindi version) published in Notification No G S R. 2531 in Gazette of India dated the 18th October, 1975.

(iii) The Companies (Transfer of Profits to Reserves) Rules, 1975, (Hindi version)

published in Notification No. G.S.R. 2532 in Gazette of India dated the 18th October, 1975.

(iv) The Companies (Declaration of Dividend out of Reserves) Rules, 1975 (Hindi version) published in Notification No. G.S.R. 2533 in Gazette of India dated the 18th October, 1975.

(v) The Companies (Central Government's) General Rules and Forms (Third Amendment) Rules, 1975 (Hindi and English versions) published in Notification No. G.S.R. 2596 in Gazette of India dated the 1st November, 1975

(vi) The Company's Liquidation Account (Amendment) Rules, 1975 (Hindi and English versions) published in Notification No. G.S.R. 2597 in Gazette of India dated the 1st November, 1975.

(vii) The Companies (Appeal to the Central Government) Amendment Rules, 1975 (Hindi and English versions) Published in Notification No. G.S.R. 2598 in Gazette of India dated the 1st November, 1975.

(viii) The Companies (Central Government's) General Rules and Forms (Fourth Amendment) Rules, 1975, (Hindi and English versions) published in Notification No. G.S.R. 2828 in Gazette of India dated the 13th December, 1975.

(ix) The Company Law Board (Bench) Rules, 1975, published in Notification No. G.S.R. 583(E) in Gazette of India the 12th December, 1975 together with corrigenda thereto published in Notification No. G.S.R. 11(E) dated the 3rd January, 1976

(x) The Cost Accounting Records (Jute Goods) Rules, 1975, (Hindi and English versions) published in Notification No. G S.R. 590(E) in Gazette of India dated the 29th December, 1975.

(xi) The Cost Accounting Records (Industrial Alcohol) Rules, 1975, (Hindi and English versions) published in Notification No. G.S.R. 594(E) in Gazette of India dated the 30th December, 1975.

(xii) The Cost Accounting Records (Paper) Rules, 1975 (Hindi and English versions) published in Notification No. G S R. 601(E) in Gazette of India dated the 31st December, 1975.

(xiii) A statement (Hindi and English versions) explaining the reasons for not laying simultaneously the Hindi version of the Notification mentioned at (ix) above. [*Placed in Library. See* No. LT-10161/76].

REVIEWS AND ANNUAL REPORTS WITH AUDITED ACCOUNTS OF HINDUSTAN ORGANIC CHEMICALS LTD, RASAYANI AND INDIAN DRUGS AND PHARMACEUTICALS LTD. NEW DELHI FOR 1974-75 AND A STATEMENT FOR NOT LAYING THE REPORT OF TARIFF COMMISSION RE. INDUSTRIAL ALCOHOL PRICE STRUCTURE

THE DEPUTY MINISTER IN THE MINISTRY OF CHEMICALS AND FERTLISERS (SHRI C. P. MAJHI): I beg to lay on the Table—

(1) A copy each of the following papers (Hindi and English versions)

[Shri C. P. Majhi]

under sub-section (1) of section 619A of the Companies Act, 1956:—

(a) (i) Review by the Government on the working of the Hindustan Organic Chemicals Limited, Rasayani (Maharashtra) for the year 1974-75.

(ii) Annual Report of the Hindustan Organic Chemicals Limited, Rasayani (Maharashtra) for the year 1974-75 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[*Placed in Library. See* No. LT-10162/76.]

(b) (i) Review by the Government on the working of the Indian Drugs and Pharmaceuticals Limited, New Delhi, for the year 1974-75.

(ii) Annual Report of the Indian Drugs and Pharmaceuticals Limited, New Delhi, for the year 1974-75 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[*Placed in Library. See* No. LT-10163/76].

(2) A statement (Hindi and English versions) under proviso to sub-section (2) of section 16 of the Tariff Commission Act, 1951, explaining the reasons for not laying before Parliament within the prescribed period, the report of the Tariff Commission on the price structure of Industrial Alcohol which has been submitted by the Commission to Central Government on 19-2-1975. [*Placed in Library. See* No. LT-10164/76].

ANNUAL REPORT OF TAMILNADU AGRO-INDUSTRIES CORPORATION LTD., MADRAS FOR 1973-74 AND FERTILIZER (MOVEMENT CONTROL) AMDT. ORDER, 1976

THE DEPUTY MINISTER IN THE MINISTRY OF AGRICULTURE AND IRRIGATION (SHRI PRABHUDAS PATEL): I beg to lay on the Table—

(1) A copy of the Annual Report (Hindi and English versions) of the Tamilnadu Agro-Industries Corporation Limited, Madras, for the year 1973-74 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon, under sub-section (1) of section 619A of the Companies Act, 1956. [*Placed in Library. See* No. LT-10165/76.]

(2) A copy of the Fertiliser (Movement Control) Amendment Order, 1976 (Hindi and English versions) published in Notification No. G.S.R. 13 (E) in Gazette of India dated the 5th January, 1976 under sub-section (6) of section 3 of the Essential Commodities Act, 1955. [*Placed in Library. See* No. LT-10166/76].

COMMITTEE OF PRIVILEGES
SIXTEENTH REPORT

SHRI N. K. P. SALVE (Betul): I beg to lay on the Table the Sixteenth Report of the Committee of Privileges.

12.03 hrs.

CONSERVATION OF FOREIGN EXCHANGE AND PREVENTION OF SMUGGLING ACTIVITIES (AMENDMENT) BILL*

THE MINISTER OF STATE IN-CHARGE OF THE DEPARTMENT OF REVENUE AND BANKING (SHRI PRANAB KUMAR MUKHERJEE):

I beg to move for leave to introduce a Bill further to amend the Conservation of Foreign Exchange and

*Published in Gazette of India Extraordinary, Part II section 2, dated 20-1-76.

Prevention of Smuggling Activities Act, 1974.

MR SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974."

The motion was adopted.

SHRI PRANAB KUMAR MUKHERJEE: Sir, I introduce the Bill.

STATEMENT RE. CONSERVATION OF FOREIGN EXCHANGE AND PREVENTION OF SMUGGLING ACTIVITIES (AMENDMENT) ORDINANCE

THE MINISTER OF STATE INCHARGE OF THE DEPARTMENT OF REVENUE AND BANKING (SHRI PRANAB KUMAR MUKHERJEE): I beg to lay on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Second Amendment) Ordinance, 1975, as required under rule 71(1) of the Rules of Procedure and Conduct of Business in Lok Sabha.

12.04 hrs.

MAINTENANCE OF INTERNAL SECURITY (AMEDMENT) BILL*

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN):

Sir, I beg to move for leave to introduce a Bill further to amend the Maintenance of Internal Security Act, 1971.

MR. SPEAKER: Motion moved:

"That leave be granted to introduce a Bill further to amend the Maintenance of Internal Security Act, 1971."

MR. S. M. BANERJEE.

SHRI S. M. BANERJEE (Kanpur): We supported the Maintenance of Internal Security Bill when it was introduced in the beginning to punish those who were putting hurdles in the way of implementation of progressive measures. At that time we were assured by the Home Minister, Shri Brahmananda Reddy, that this would be used judiciously and would not be used for political gains. And this had been amended and re-amended if, for the success of the 20-Point Programme, this Act is to be amended 20 times, we are not going to be a party to it—I want to make it clear—because many people who supported the 20-Point Programme have been arrested. Our party workers in Himachal Pradesh are rotting in jail, having been arrested on the basis of reports given by some Sub-Inspector or Head Constable. My objection to the Bill is this. I would like to invite your kind attention to the Statement of Objections and Reasons where it is said:

> "....no detenu shall be entitled to the communication or disclosure of any such ground, information or material."

If I am arrested, I shall not be entitled to know the reason for it, no information will be given to me, no material will be given to me; there can be no representation, no question of going to High Court or Supreme Court, no Advisory Board. Who will write the report on the basis of which a person will be arrested? By whom will the warrant be signed? Not by

*Published in Gazette of India Extraordinary, Part II, section 2, dated 20-1-76.

[Shri S. M. Banerjee]

the Prime Minister, not by the Home Minister, not by Mr. Mohsin, not even by the IG or DIG of Police, not even by the Superintendent of Police, but by an ordinary Sub-Inspector of Police who, at times, is more powerful than a Minister in a particular area, or in his absence, by the Head Constable, or in his absence by the Constable. On the basis of that report, a person will be put behind the bars for years together

It further says :

" that sub-section (2) of the section is applicable also to cases of expiry of detention orders and to make it clear that the power to make a fresh order of detention on the expiry or revocation of a detention order under the sub-section cannot be used to detain a person . "

Even if I am released and the moment my relations come to take me home in a taxi, I am arrested and rearrested and if they want, they can also arrest my relations It has happened many times.

Now, the representatives of our All India Defence Employees Federation have nothing to do with the active politics Shri M K Rahut, a Member of the Working Committee of All India Defence Employees Federation was granted bail in Calcutta twice by the High Court and again detained And what is the charge against him? The charge is that in 1973, he was throwing bomb in Alipore Police Station. He has been arrested in 1975. He is our Defence employee.

I am happy that Shri Gokhale is here. In his State, Maharashtra there is a factory called Ordnance Factory, Ambarnath; it is one of the biggest Ordnance factories. There was some dispute going on between the General Manager and our employees. That was a minor dispute and which had been settled by the General Manager and the employees' union. There was no demonstration; some ten-fifteen office bearers of that particular union went to the General Manager to solve that dispute The General Manager connived with the local police and got our representatives arrested, ten under DIR and four under MISA. I am thankful to Mr. Gadgil, Minister of State for Defence Production, who had a talk with the Chief Minister of Maharashtra It has been completely misused The powers with the Government are enormous, they can use the powers judiciously and courageously They can possibly arrest all those persons who are against the society, whether they are hoarders, black-marketeers, anti-social elements, anti-national and others, but they want to use these for some other purposes They want to be armed with more powers and this has been necessitated after the judgement of the Allahabad High Court in case of Kuldip Navar Is that the solution? After another judgement, it will be amended That way, Sir, I resist it. There is no advisory board today If I have anything, I cannot even make a representation, I cannot have that right.

Sir, as an hon Member of this House and belonging to a group which has supported the 20 point programme, which has supported nationalization and which has supported this Government, I feel a day has come, that they should not take us for granted Let us raise our voice and say that this pernicious piece of legislation is a Draconian one and should be withdrawn.

MR SPEAKER: The Minister

SHRI SOMNATH CHATTERJEE (Burdwan) Sir, this is a very important matter. I want to speak for a minute.

MR. SPEAKER: I am sorry, I would have allowde, but under the rules,

only one Member can speak at this stage. No exception please, otherwise we will get into trouble.

SHRI SOMNATH CHATTERJEE: We have been reduced to worse than slaves. This is a very important matter.

MR. SPEAKER: The Minister.

SHRI F. H. MOHSIN: I have heard the objections of Shri S. M. Banerjee but they are not relevant at this stage, that is, at the introduction stage.... (*Interruptions*)

SHRI SOMNATH CHATTERJEE: It was argued by the Attorney General of the Government that there was no right to life in this country, there was no right to liberty in this country. This Government is justifying that. What is the Supreme Court's answer? Let us know, before you go on with this legislation. This is pernicious legislation.

SHRI F. H. MOHSIN: This is emergency legislation.... (*Interruptions*) Emergency has been proclaimed because of such a situation and such legislation is inevitable in a situation like this.

SHRI SOMNATH CHATTERJEE: Spurious emergency.

SHRI F. H. MOHSIN: Shri Banerjee says that there are certain cases of misuse of MISA. May be; I do not rule out that possibility. But the policy of Government is to review the cases of detention under MISA from time to time.

SHRI DINEN BHATTACHARYYA (Serampore): Who will review? You have dispensed with the advisory board.

SHRI F. H. MOHSIN: If you do not want to hear me, that is a different matter. Mr. Banerjee has referred to some points and I want to reply to them. We have requested the state governments to review the cases of detention under MISA from time to time. Grounds may not be disclosed and information may not be given, because certain persons went to the court and they were released. This legislation is in the interest of the State. If there are any cases of misuse, the Central Government have got the power to get a report from the State and the Central Government have got the power to revoke the detention order. If such cases are brought to the notice of the Central Government, certainly they will be looked into.... (*Interruptions*) Certain Opposition Parties are propagating against this particular ordinance. This is inevitable and necessary to maintain the security of the country; and it is in the interest of the country. Anyway all those are matters for discussion when the Bill comes up for discussion.

SHRI SOMNATH CHATTERJEE: On a point of order. This question is before the Supreme Court and the matter is being argued by day to day; we know this from the papers and we can expect a judgement, I am sure, within a fortnight or a month. Can those questions which are being argued before the Supreme Court be taken up here? I want your ruling in the matter.

SHRI S. A. SHAMIM (Srinagar): You presume that they have respect for the Supreme Court?

MR. SPEAKER: It is not the same matter.

SHRI F. H. MOHSIN: Parliament has got absolute powers.

SHRI SOMNATH CHATTEJEE: Let us wait for what they say.

SHRI F. H. MOHSIN: Hence I request Mr. Banerjee and his friends to reserve their comments for the consideration stage of the Bill; at this stage those objections are irrelevant.

MR. SPEAKER: The question is :

"That leave be granted to introduce a Bill further to amend the Maintenance of Internal Security Act, 1971"

Let the Lobbies be cleared

The Lobbies are cleared. I will now put the question. The question is

"That leave be granted to introduce a Bill further to amend the Maintenance of Internal Security Act, 1971 "

The Lok Sabha divided.

Divisions No 6 **12.18 hrs.**

AYES

Aga, Shri Syed Ahmed
Ahirwar, Shri Nathu Ram
Alagesan, Shri O V
Ambesh, Shri
Ansari, Shri Ziaur Rahman
Awdhesh Chandra Singh, Shri
Aziz Imam, Shri
Babunath Singh, Shri
Balakrishnah, Shri T
Banerjee, Shrimati Mukul
Barua Shri Bedabrata
Brahmanandji Shri Swami
Brij Raj Singh-Kotah, Shri
Chandrashekharappa Veerabasappa Shri T V
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chhotey Lal, Shri
Chikkalingaiah, Shri K
Daga, Shri M C
Dalip Singh, Shri
Damani, Shri S R.
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Daschowdhury, Shri B. K.
Deo, Shri S. N. Singh
Desai, Shri D. D.
Dhamankar, Shri
Dhillon, Dr G. S.
Dumada, Shri L. K.
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Gavit, Shri T H
Gill, Shri Mohinder Singh
Godara, Shri Mani Ram
Gokhale, Shri H R
Gomango, Shri Giridhar
Gopal, Shri K
Gotkhinde, Shri Annasaheb
Hansda, Shri Subodh
Hanumanthaiya Shri K
Hari Kishore Singh, Shri
Hari Singh, Shri
Hashim, Shri M M.
Jamiluzrahman, Shri Md
Kader, Shri S A.
Kedar Nath Singh, Shri
Khan, Shri I H
Kotiashetti, Shri A. K.
Kulkarni, Shri Raja
Kureel Shri B N
Lakappa, Shri K.
Lambodar Baliyar, Shri
Laskar, Shri Nihar
Mahajan, Shri Vikram
Maharaj Singh, Shri
Malhotra, Shri Inder J
Mallanna, Shri K
Mallikarjun, Shri
Manhar, Shri Bhagatram
Mishra, Shri Bibhuti
Modi, Shri Shrikishan
Mohsin, Shri F H
Murthy, Shri B S.
Negi, Shri Pratap Singh
Oraon, Shri Kartik

Palodkar, Shri Manikrao
Pandey, Shri Narsingh Narain
Pandey, Shri Sudhakar
Pandey, Shri Tarkeshwar
Pant, Shri K. C.
Parasar, Prof. Naram Chand
Patil, Shri Anantrao
Patil, Shri Krishanrao
Patil, Shri S B.
Peje, Shri S. L.
Prabodh Chandra, Shri
Pradhan, Shri Dhan Shah
Purty, Shri M. S.
Raghu Ramaiah, Shri K.
Rai, Shri S K.
Rai, Shrimati Sahodrabai
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Ramshekhar Prasad Singh, Shri
Rao, Shri Jagannath
Rao, Shri M Satyanarayan
Rao, Shri Nageswara
Rao, Shri Pattabhi Rama
Rathia, Shri Umed Singh
Raut, Shri Bhola
Reddy, Shri K. Ramakrishna
Reddy, Shri M Ram Gopal
Reddy, Shri P. Ganga
Reddy, Shri P Narasimha
Reddy, Shri P V.
Richhariya, Dr Govind Das
Roy, Shri Bishwanath
Rudra Pratap Singh, Shri
Samanta, Shri S C.
Sanghi, Shri N K
Sarkar, Shri Sakti Kumar
Sawant, Shri Shankerrao
Sayeed, Shri P.M
Shankar Dayal Singh, Shri
Sharma, Shri A. P.
Sharma, Dr. H. P.
Sharma, Shri Nawal Kishore
Shashi Bhushan, Shri
Shenoy, Shri P. R.
Shinde, Shri Annasaheb P.
Shivnath Singh, Shri
Shukla, Shri B R.
Sinha, Shri Nawal Kishore
Sinha, Shri R. K.
Sohan Lal, Shri T.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swaran Singh, Shri
Tiwary, Shri D. N.
Uikey, Shri M G.
Vekaria, Shri
Venkatswamy, Shri G
Verma, Shri Sukhdeo Prasad
Vikal Shri Ram Chandra
Virbhadra Singh, Shri

NOES

Bade, Shri R. V.
Banerjee, Shri S. M.
Bhargavi Thankappan, Shrimati
Bhattacharyya, Shri Dinen
Bhattacharyya, Shri S. P.
Chandrappan, Shri C K.
Chatterjee, Shri Somnath
Chowhan, Shri Bharat Singh
Deb, Shri Dasratha
Deshpande Shrimati Roza
Goswami, Shrimati Bibha Ghosh
Halder, Shri Krishna Chandra
Horo, Shri N E.
Jha, Shri Bhogendra
Jharkhande Rai, Shri
Kathamuthu, Shri M.
Kiruttinan, Shri Tha
"Madhukar", Shri K. M.
Mehta, Shri P M.

Mohanty, Shri Surendra
Pandey, Shri Sarjoo
Parmar, Shri Bhaljibhai
Patel, Kumari Maniben
Patel, Shri H. M.
Ram Hedaoo, Shri
Sequeira, Shri Erasmo de
Shastri, Shri Shiv Kumar

MR. SPEAKER: The result* of the division is: Ayes 127; Noes 27.

The motion was adopted.

SHRI F. H. MOHSIN: I introduce the Bill.

12.17 hrs.

STATEMENT *RE.* MAINTENANCE OF INTERNAL SECURITY (AMENDMENT) ORDINANCES

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H MOHSIN): I beg to lay on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Maintenance of Internal Security (Third Amendment) Ordinance, 1975 and the Maintenance of Internal Security (Fourth Amendment) Ordinance, 1975, as required under rule 71(1) of the Rules of Procedure and Conduct of Business in Lok Sabha.

12.18 hrs.

STATUTORY RESOLUTION RE. DISAPPROVAL OF SMUGGLERS AND FOREIGN EXCHANGE MANIPULATORS (FORFEITURE OF PROPERTY) ORDINANCE

and

SMUGGLERS AND FOREIGN EXCHANGE MANIPULATORS (FORFEITURE OF PROPERTY) BILL.

MR. SPEAKER: Now we take up the Statutory Resolution of Shri Erasmo de Sequeira on the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Ordinance, 1975.

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K RAGHU RAMAIAH): Sir, before you take up this item, I would like to make a submission. The Business Advisory Committee takes into consideration all relevant factors, and allot time for various items. In the case of Voluntary Disclosure of Income and Wealth Bill three hours were allotted but yesterday we took five hours.

I would like to submit to you and to the House through you that it would be very difficult to finish the work before us if we do not stick to the schedule. In this case two hours are allotted. May I suggest that you may be good enough to say that the Minister will reply at 14.45. That will have 1½ hrs. Another half an hour may be left for clause by clause discussion and the third reading.

MR. SPEAKER: That is all right.

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*The following Members also recorded their votes:

Ayes: Sarvshri Paripoornanand Painuli and C. C. Gohain and Dr. G.S Melkote;

Noes: Shri S. A. Muruganatham.

SHRI ERASMO de SEQUEIRA (Marmagoa): I beg to move:

"This House disapproves of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Ordinance, 1975 (Ordinance No. 20 of 1975) promulgated by the President on the 5th November, 1975.'

This Ordinance, I am sorry to say, is an example of the fascist manner in which this Government is functioning and I must say that it is a matter of great pain that recently we have had as many as 20 Ordinances, and this country is being ruled almost entirely by ordinances rather than by Parliamentary enactments.

May I ask, what was the reason for this ordinance having been issued on 5th of November? May I ask the Minister, how many hotels would have run away, how many cars and other assets would have drifted away, and how many notices he has served since this ordinance was passed or rubber stamped, call it whatever you may, and what was achieved by having the ordinance on 5th of November instead of coming forward before this House, when it assembled, with a law?

We have no quarrel with the principle that the property which has been acquired by smuggling or foreign exchange manipulations should be forfeited. In fact, I would like to remind the House that when COFEPOSA was being discussed, the demand that forfeiture should be included and forfeiture should be provided for property directly linked to gain from smuggling or foreign exchange manipulation, was made from this side of the House—from the Opposition—and it was, at that time, the Government which resisted it.

It is not a light matter and to my mind certainly, it was not a matter for any kind of ordinance It was a matter which should have come forward before the House and then gone before the Select Committee, because as the Government well knows such measures can be subject to considerable misuse.

It is not that we are coming forward before you and saying for the fun of saying it that these measures are going to be misused; we are saying it on the basis of experience that similar laws and similar powers before it is no secret which gave the Government absolute power (like MISA) have been misused to a very substantial extent. With your permission I will read out a letter which I have received from a detenu in Aligarh Jail—

"In Aligarh District, the Police have adopted a very tough attitude towards satyagrahis and during the satyagraha people are being beaten mercilessly. Here, in my barrack there are two or three college lecturers and one college principal. Even they were not spared by the police. Every time when a batch of satyagrahis came, most of them had to be admitted to the hospital. One Mr. Bali Singh, an old man, could not sustain the injuries and he died on the 26th of December."

This is the extent to which misuse goes. It is not only here. It is there even in the States. I will give you an example from Goa. Under preventive detention, without charge and without trial, the President and the Vice President of Panjim municipality were thrown into jail. That is not the end of the story. By the misuse of the provisions of the Municipal Act both of them were removed from office. Instead of people from the opposition being there all this is being manipulated and literally a nominee of the local ruling party is now the President of that municipality. The Lieut. Governor of Goa is suppose to be the representative of this Government, but he is behaving like some

[Shri Erasmo de Sequeira]

kind of ambassador to a foreign country. And my local Government in Goa is allowed to get away even with murder. And, I am not saying this lightly, Sir, I have some information. I am referring to a case where quite some time ago a rickshaw driver was brutally murdered, the police seem to know who did it, but they say that they know nothing about it. I am referring it to the Minister and he may ask the Home Ministry to get somebody there to have this case investigated A lot of rot will come to light

MR. SPEAKER Is he a Smuggler or a Foreign Exchange manipulator?

SHRI ERASMO de SEQUERIA: I am talking about the misuse of power

MR. SPEAKER It must be related to this It should not be general misuse. But it should be related to this item

SHRI ERAMO de SEQUERIA: I am thankful to you, Sir for having allowed me to speak, and for this interruption only thereafter

I would like the hon Minister to look at the objectives of the Bill Here it says that it will apply to certain individuals only and that is a good thing Then you will find for example section 2(2)(a) which says that it shall apply to every person who is convicted under the Sea Customs Act, 1878 or the Customs Act, 1962 of an offence in relation to goods of a value exceeding Rs 1 lakh Sea Customs Act is a very large piece of legislation. Conviction under Sea Customs Act may be for a small matter or a serious matter. Suppose a person or a company has to pay some kind of fine in the course of being convicted with reference to a consignment of one lakh that should not be brought within the mischief of this law. So, the Minister should have a look at these provisions and he should ensure that whoever is operating this Bill when it becomes an Act, it can only be operated with reference to people who are really smugglers or foreign exchange manipulators. It is by such wide provisions that we create powers and give them to people in Government who go on merrily to misuse them *ad nauseam*.

Take the tribunal, Sir What tribunal is this? You have one judge and 3 joint secretaries of the Government. Can anybody expect some kind of real review or justice from the tribunal? We all know what happens. Departmental instructions will be issued and the review will be a mere formality If Government is serious about forfeiting the properties of smugglers and foreign exchange manipulators, let them make sure that when a declaration is made it is made only with reference to those people who are really supposed to be contained, and that if a declaration is made, the person against whom it is made, has a change of getting a fair review

I have an objection to the application of this Bill to those who have merely been given an order of preventive detention because if we wish to convince anybody either in this country or in the world that we are a democracy—I do not see Government trying very hard to do it—then we must accept that the persons are not guilty until proved otherwise If Government says that it is operating a democratic society under the rule of law, why does it want to be the accuser jury and judge, all rolled into one? I feel that, unless we take this caution and unless we put a check to ensure that this Bill is not misused—not only that—but that it cannot possibly be misused, in my view, it will not be a measure of control or a measure of deterrence; it will only be a measure of harassment.

I would still appeal to the Government that we should go with this Bill before the Select Committee. In fact, I have moved a motion to that effect. Let us have a good look at this Bill. We all want deterrence to be there;

we all want smuggling and foreign exchange manipulation to be discouraged. Let us make it effective, let us make it pointed and let us ensure that there is no abuse.

MR. SPEAKER Resolution moved

"This House disapproves of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Ordinance, 1975 (Ordinance No. 20 of 1975), promulgated by the President on the 5th November, 1975."

THE MINISTER OF STATE IN-CHARGE OF THE DEPARTMENT OF REVENUE AND BANKING (SHRI PRANAB KUMAR MUKHERJEE) Sir, I beg to move*

"That the Bill to provide for the forfeiture of illegally acquired properties of smugglers and foreign exchange manipulators and for matters connected therewith or incidental thereto, be taken into consideration"

Sir, this Bill seeks to replace, with some minor modifications, the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Ordinance, 1975 which was promulgated by the President on the 5th November, 1975

The circumstances which necessitated immediate legislation by the Ordinance have been explained in a statement placed on the Table of the House I do not, therefore, propose to deal with this aspect and shall only explain briefly the provisions of the Bill

Like the Ordinance which it seeks to replace, the Bill provides for assumption of powers to deprive the smugglers and foreign exchange manipulators of their illegally acquired properties so as to effectively prevent their anti-social and clandestine activities. The provisions of the Bill will apply to persons convicted under the customs or foreign exchange laws and those in respect of whom orders of detention under the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 have been made They will also apply to the relatives, associate and confidants of such persons Under the Bill, it will be unlawful for any person to whom the Bill applies to hold any illegally acquired property, whether moveable or immoveable, either by himself or through any other person on his behalf and such property will be liable to be forfeited to the Central Government For this purpose, the expression "illegally acquired property" will broadly mean property which is acquired out of income, earnings or assets obtained from any activity prohibited by any law relating to any other matter within the legislative competence of the Parliament, or out of income, earnings or assets in respect of which any such law has been contravened It will cover property acquired out of any income, earnings or assets the source of which cannot be proved, as also property held by any person which would have been illegally acquired property in relation to a previous holder unless it has been transferred in good faith for adequate consideration

The proposed legislation will be administered by senior officers of the Central Government not below the rank of a Joint Secretary to the Government who will be designated as competent authorities If, having regard to the value of properties held by a person, his known sources of income, earnings or assets and other relevant material the competent authority has reason to believe that any property is illegally acquired property, it will serve a notice upon the person concerned to show cause why such property should not be declared as illegally acquired property and forfeited to the Central Government. After considering objections, if any, to the show-cause notice and giving the person concerned a reasonable opportunity of being heard the competent authority will record a finding

*Moved with the recommendation of the President.

[Shri Pranab Kumar Mukherjee]

as to whether the property is illegally acquired property. The burden of proving that a property is not illegally acquired property will be on the person affected and where the property is held to be an illegally acquired property, it shall stand forfeited to the Central Government.

Provisions have been made to ensure that while small one-time offenders are not proceeded against, the big and habitual offenders do not escape the rigours of the law. It is also being provided that if the source of only less than one-half of the investment in a property remains unproved an option will be given to the person affected to pay a fine in liew of confiscation. Such fine will be equal to one and one-fifth times the value of the unexplained investment

Cases may arise where illegally acquired property may be held by a trust created by a person to whom the provisions of the Bill apply or it may be acquired by a trust out of contributions made by such person. The Bill accordingly contains a provision to take care of such cases. Where a person to whom the Bill applies is either the author or a substantial contributor of a trust and the competent authority has reason to believe that any property held by the trust is illegally acquired property, it will be open to the competent authority to serve a notice upon the author or the substantial contributor and the trustees, calling upon them to explain the source of investment in the property or the source of money or other assets contributed to the trust for acquiring such property. In the absence of a satisfactory explanation, the property will be liable to forfeiture to the Central Government. This provision will not, however, apply in relation to any property held by a trust or institution created or established wholly for public religious or charitable purposes if such property has been so held by it from a date prior to 5th November, 1975, that is, the date of commencement of the smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Ordinance, 1975, or if such property is wholly traceable to any property held by such trust or institution prior to that date.

The competent authority has been empowered to obtain information from various authorities and to require any officer of the Income Tax Department to conduct or cause to be conduct any enquiry, investigation or survey in respect of any person, property, documents, etc., for the purposes of any proceedings under the Bill or for initiating any such proceedings.

A provision is being made for setting up an Appellate Tribunal for Forfeited Property to which appeal will lie against the order of the competent authority. The Appellate Tribunal will consist of three members and its Chairman will be a person who is or has been or is qualified to be a judge of the Supreme Court or a High Court. The order of the Appellate Tribunal will be final.

Officers of police, customs, central excise and income-tax departments and officers of enforcement appointed under the Foreign Exchange Regulation Act, 1973 will be required to assist the competent authority and the Appellate Tribunal for the purposes of any proceedings under the Bill.

In respect of any matter which the Appellate Tribunal or the competent authority is empowered to determine under the Bill, the jurisdiction of courts has been barred and the provisions of the Bill will have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Sir, the provisions of the Bill will go a long way in checking the malaise of smuggling and foreign exchange manipulations which is having a deleterious effect on the national eco-

nomy. I am confident that the Bill will receive the unanimous support of the House

Sir, I move.

MR. SPEAKER Motion moved

"That the Bill to provide for the forfeiture of illegally acquired properties of smugglers and foreign exchange manipulators and for matters connected therewith or incidental thereto, be taken into consideration"

SHRI ERASMO DE SEQUEIRA I move

"That the Bill to provide for the forfeiture of illegally acquired properties of smugglers and foreign exchange manipulators and for matters connected therewith or incidental thereto be referred to a Joint Committee of the Houses consisting of 6 members, 4 from this House, namely—(1) Shri S M Banerjee, (2) Shri Dinen Bhattacharya, (3) Shri P G Mavalankar, (4) Shri Erasmo de Sequeira, and 2 from Rajya Sabha,

that in order to constitute a sitting of the Joint Committee, the quorum shall be one third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the 18th March, 1976,

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 2 members to be appointed by Rajya Sabha to the Joint Committee" (1)

MR. SPEAKER. The Resolution, the main motion for consideration of the Bill and the amendment are now before the House.

SHRI SOMNATH CHATTERJEE (Burdwan) The objectives of the Bill are welcome and in fact this Bill should have come much earlier I remember taking part in the proceedings of this House when COFEPOSA first came here and it was being discussed here. The only fear was about the abuse we have legitimate fears about the method and the seriousness of implementation Unless it is implemented with vigour it will be only a show piece legislation We have a number of such show-piece legislations for the weaker sections of our people When it is the question of the protection of the rights of the working class people, we find firstly that the laws are inadequate and secondly even those laws are not implemented properly Some people seem to be above the law in this country and I remember one case, it is a very pertinent example I am sure the hon Minister knows about that and he should give a specific answer to that case I am referring to a single case, that is Shiv Shankarlal Gupta's case He made an effort about three years ago to take over Metro cinema, by means of foreign exchange manipulation and trafficking in foreign exchange The employees' union made great effort to make this Government wake up I had the privilege of appearing before the court for the cinema employees' union in the Calcutta High Court We obtained injunction against the take-over by this person Unfortunately, the Government in spite of repeated requests did not come forward in support of the workers in that case. The Government was a party to it. I wrote many letters to Shri Gujral, the then Union Broadcasting Minister. We took up the matter with the Law Ministry. Shri H. N Mukerjee was the President of the Union. He also took up the matter personally and saw the Minister on more than one occasion. But the Government did not

[Shri Somnath Chatterjee]

come forward in aid of the workers. But the Court issued an injunction restraining this manipulator, foreign exchange trafficker from taking over for about a year and half. Ultimately because of limited legal provisions in support of the working people, we could not succeed in this except to a very limited extent. Now, has this been taken over. Did you take any step to take over the Metro cinema? I am giving this as an example. I do not know which property has been acquired by which foreign exchange racketeer. Government must know this. This Ordinance was brought on 5th November 1975. Some of the legislations were made by-passing the Parliament initially. We could not help it. We do not mind. But we cannot keep quiet when it has been misused. I would like to know from the hon. Minister how many cases during this period, that is from 5th November 1975 to date—it is more than 2½ months—have been initiated. How many show-cause notices have you issued? How have you utilised thte provisions of the Ordinance? If the provisions of the ordinance? If there was no immediate necessity or immediate requirement to take proceeding against these persons, then this Ordinance was not justified. Therefore, I would like to know from the hon. Minister—the country would like to know this from the hon. Minister—how many proceedings have been initiated under the ordinance. How many properties have been forfeited and whether this Metro cinema or any other known illegal property has been taken over by Government or not? Sir, we have been saying that the existing laws have been made with drastic provisions of confiscation of contraband goods. Why don't you take steps under those provisions? On principle, I am against the Preventive Detention Act because there is a possibility of abuse and misuse. Once you confer power on officers or the authorities, they do not always exercise those powers bona fide because of the extraneous circumstances. This is bound to be misused. You have to use it against a particular section of people who are to be condemned because their activities are to be condemned. But why have you not been using considerable powers of prosecution, considerable powers of adjudication under Customs Act and Foreign Exchange Regulations Act? Even then by those proceedings you could have sent them to jail. Sir, a few days back I found a news item in a news paper that 11 smugglers had been convicted by the Bombay Magistrate and they had been sent to 18 months' rigomous imprisonment. That is much better than keeping a person in jail and arranging with the superintendent of the jail for giving all sorts of facilities. So, why not produce them before the magistrate's court with all the evidence you must have got and put them under rigorous imprisonment? The onus is on them. My only submission is, give them exemplary punishment, but after at least a semblance of trial Apply not only this law but the other provisions of the general law Parliament has given those powers unhesitatingly. Whenever questions of economic offences have come up in this House can anybody say that we on this side of the House have stood in the way? Never. Our grievance is that you do not utilise those powers properly. The only utilisation you have made of the emergency powers is to take away bonus! We want this legislation to succeed. May I point out one or two lacunae in this which should be taken note of?

Firstly, the main Act—COFEPOSA—is applicable to Jammu & Kashmir, but this Act is not being made applicable to that State. Is there no illegally acquired property there? Persons earning money through illegal methods may go there and buy property. You may say that immoveable property cannot be acquired, but what about moveable property? I do not know; if there are any special provi-

sions in this regard, the House should be enlightened about them.

Under clause 2(2) (a), this Act is going to be made applicable to persons who have been convicted of some offence. There must be a determination by judicial proceedings of an offence under the Act and there must be a conviction upon a prosecution Supposing in adjudication proceedings, somebody has been held guilty of illegal importation or smuggling of goods and with those proceeds they have acquired properties. Are they within the ambit of the Act or not? This will give rise to complications in the application of the Act It may help me in my other capacity but I do not want to make money by that process. Then there are departmental proceedings and a personal penalty is imposed upon him Will he come within this Act? This is a great lacuna which is open to interpretation either way As it is, a large number of people may escape In many cases I know that prosecutions are not launched. Only departmental proceedings are taken Therefore, kindly consider whether those persons are within the net or not Secondly, on principle I say, so far as the detenus are concerned, there must be some objective basis to find out whether they have participated in some illegal activity because now-a-days you are detaining a person as smuggler without telling him what are his illegal activities So far as other persons are concerned, there are objective materials, but so far as these persons are concerned, there must be some objective material These are points on which I request the Minister to consider.

SHRI VALAYAR RAVI (Chirayinkil): Can you tell any name of a person who was detained was not a smuggler?

SHRI SOMNATH CHATTERJEE: I do not know any smugglers. (*Interruptions*) We are a sort of a class who are misunderstood.

May I know whether according to you property includes money? Does it include or does it not include? I am making these suggestions not with a view to criticise but when you are having it on the statute book, have it in a proper and foolproof form

Kindly come to the Explanation 1 on page 3 of this Bill Here you will know how you are keeping loopholes. Explanation I Says

> 'For the purposes of sub-clause (1) of clause (a), the value of any goods in relation to which a person has been convicted of an offence shall be the wholesale price of the goods in the ordinary course of trade in India as on the date of the commission of the offence."

If some goods are imported into India illegally in contravention of the provisions of, say, the Import Control Order—such goods are not available at all in India; they have never been available in India; for the first time they are brought into India—these are matters which are being laughed out. I do not know for whom the hon. Member is laughing

MR SPEAKER: You should not be diverted by these things

SHRI SOMNATH CHATTERJEE: Now, there is the phrase 'in the ordinary course of trade'. There is no course of trade, far less an ordinary course of trade How do you assess or make the valuation? Unless the valuation is done, the whole definition will not apply. It may be said that they will make an arbitrary valuation and try to put the other party to disprove it That is not the proper way Now about 'wholesale price'. There have been umpteen decisions of the law courts—including the Supreme Court as long as it remains—that that definition ought to prevail. Any authority in the country is bound to follow the decisions of the Supreme

[Shri Somnath Chatterjee]

Court—so long it remains. "Wholesale price" has been defined to be a price at which goods can be sold to whole sale traders. This has been defined by the Supreme Court. It has been further held that there must be an actual price for the goods at the time of the sale. Whether it includes the selling price or the manufacturing price, is different. How are you going to apply the Explanation? If this Explanation does not apply, the whole Act becomes inapplicable. I will not take much time. I am pointing out 1 or 2 things which are very important, according to me. Kindly see the definition of the word 'associate'. Don't make some provisions which will make the ordinary, simple person a victim of your abuse of these powers. "Associate" has been made to define persons even "keeping accounts of such person". An accounts clerk or just an ordinary clerk is given the job of making entries in the books He will be treated as an "associate" of such persons.

Then about the collaborator. A collaborator of a smuggler does not come within the definition. He does not become an associate if he is not, in fact, a partner or a member of a private company. Therefore, don't make such laws which are open to abuse; and I submit that an ordinary, simple employee getting Rs. 100, who for the purpose of keeping his job, has to make some entries, does not and is not supposed to know the things. He is in; but the colloborator is out.

Next about the constitution of the tribunal. The hon. Minister had said that this Act will be implemented by officers of the level of Joint Secretaries who will be the competent authority—if I am not wrong. I take it that the object of constituting the tribunal is to give those people an opportunity to prove the *bona fides* of the sources with regard to property. If that tribunal is going to consist again of Joint Secretaries, it does not inspire confidence. By merely associating a person who had held a judicial office, or may be holding a judicial office—he will be a minority —(*Interruptions*)

MR. SPEAKER: Will you take long, or will you finish just now?

SHRI SOMNATH CHATTERJEE: I will finish in two minutes.

MR. SPEAKER: You may continue after lunch. The House will now adjourn and meet again at 2 p.m.

13 hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the Clock.

The Lok Sabha reassembled after Lunch at three minutes past Fourteen of the Clock.

[MR. DEPUTY-SPEAKER *in the Chair*]

STATUTORY RESOLUTION RE. DISAPPROVAL OF SMUGGLERS AND FOREIGN EXCHANGE MANIPULATORS (FORFEITURE OF PROPERTY) ORDINANCE SMUGGLERS AND FOREIGN EXCHANGE MANIPULATORS (FORFEITURE OF PROPERTY) BILL—*contd.*

MR. DEPUTY-SPEAKER: Shri Somnath Chatterjee will continue his speech.

SHRI SOMNATH CHATTERJEE: Mr. Deputy-Speaker, there is one more provision of the Bill to which I want to draw the attention of the hon. Minister, and that is clause 19 at page 9, which is bound to cause great hardship in some cases. It provides for taking possession of properties which are forfeited under this Act. There may be *bona fide* occupants of a property, even monthly tenants.

These are small people, occupying one or two rooms in a property. Once that property is acquired, whoever may be in possession will be forced to go out of the property, and the coercive machinery of the State can be used against him. It says that the competent authority may order a person affected, as well as any other person who may be in possession of the property, to surrender or deliver possession to the competent authority. Therefore, every person in that property, whether a *bona fide* occupant or *bona fide* tenant or not, whether a small tenant or not, will be forcibly ejected from that property, which is bound to cause great hardship to some people. Further no opportunity is given to those occupants of the property to make any submission or representation before the competent authority or tribunal. Therefore, this is a very rigorous provision which may not affect smugglers as such, but will affect very repressively *bona fide* occupants of property. If somebody takes up a tenancy of two rooms in a property for a rent of Rs. 100 and does not know that it is a smuggler's property, after staying there as a *bona fide* tenant or occupant for some time, he is suddenly one day asked to get out of the property without any hearing or opportunity to show his *bona fides*. That is bound to cause great injustice. These are some of the matters which I hope the hon. Minister will take note of.

Before I end, I only hope that this piece of legislation, like many others will not remain merely a gimmick but will be implemented properly. Let them be all implemented, not for the benefit of the financial operators, but let them be utilised vigorously against financial manipulators. Othewise the whole purpose of the Bill will be defeated.

MR. DEPUTY-SPEAKER: I have a number of speakers from the Congress Party here. Obviously I cannot accommodate all of them. I will call them in the order in which I have the names here, and in order to enable them to make a meaningful speech, I will allow them ten minutes each.

SHRI B. R. SHUKLA (Bahraich): The smugglers and foreign exchange racketeers are operating a parallel economy based on their ill-gotten wealth. In fact, they are in possession of fabulous wealth and are wallowing in luxury which even the grand Moghuls could not dream of I welcome and appreciate the objective and the spirit behind this legislation. This is the first time during the last 27 years of freedom that a serious attempt is being made by the Government to curb the dens of the smugglers and foreign racketeers, but, as pointed out by my learned colleague, Shri Somnath Chatterjee, there are many deficiencies and inadqacies in the Act itself. Therefore, the Act is simply tinkering with the colossal problem of the illegally acquired property of the smugglers and racketeers.

The application of this Act is restricted to two classes of persons, although they have been categorised into four. This Act will apply to persons who have been convicted for an offence under the Sea Customs Act, the Customs Act or the Foreign Exchange Regulation Act for the first time and then only if the property in relation to which the offence under these Acts have been committed is of the value of Rs. 1 lakh or more. The second category consists of persons who have been convicted under any of these enactments more than once irrespective of the value of the property involved in the commission of the offence. So, it comes to this that if a person who has been convicted of an offence which involves property within the clutches of this law while within the clutches of this law while a person who has been convicted more than once but in relation to property valued only at Rs. 200 or Rs. 300 will

[Shri B. R. Shukla]

come within the purview of this legislation. I do not understand the rationale behind this sort of categorisation and the discrimination between these two sets of persons.

The third category of persons are those who have been detained under the conservation of Foreign Exchange and Prevention of Smuggling Activities Act if in their cases after review and after receipt of the Report of the Advisory Committee, if any, the orders have not been revoked. How we know that if a person is to be convicted, he is to be prosecuted in the First Instance Court, that is the Magistrate's Court, then he has the right of appeal. He will go to the session court. If he is aggrieved, he can agitate the matter up to the Supreme Court. This will take a very long time. Therefore, if the final conviction is upheld by the highest court in the country, only thereafter the question of the forfeiture of the property of such persons would arise.

Now, we are dealing with am emergent situation. The parallel economy is posing a threat to our economic stability. Therefore, my submission is that we should widen the ambit and the scope of this law so that the notorious smugglers and exchange racketeers are brought within the purview of this law. My suggestion is that there should be a clause in the Bill which shall apply to those persons who, by repute, are habitual smugglers and racketeers. The court may feel difficult in coming to the conclusion whether a person is guilty of these economic laws. Certainly, everybody and the Government fully know who are the notorious smugglers in this country. If they are so, a notice should go against those persons who are notorious smugglers. It is for them to say that the property, which they are in possession of, has been acquired by honest and innocent means. If they fail to do so, certainly their property should be confiscated. Therefore, any half-way measure will only touch the fringe of the problem. It is only an attempt to touch the tip of the iceberg of the ill-gotten property of the smugglers. An apprehension has been voiced several Opposition Members that the Government will abuse the powers given under this Act. As a matter of fact, you have to trust the Government for certain measures. If you have no confidence, then nothing can proceed. After all, the Government has to function; the Government has enjoyed the confidence of the people. Since they are in continuous enjoyment of the confidence of the people, therefore, they are here.

We had come with a programme. All agreed that the gangs of smugglers and racketeers should be smashed. The property which they have acquired by their nefarious activities should be confiscated, and it should be used for the benefit of the people, because the property will vest in the Central Government.

An apprehension has been also voiced that the tribunals will consist of the persons who are of the status of the Additional Secretary. Even in the administration of Direct Taxation Laws, we find that the personnel consist of persons of like rank and status, but it cannot be said that they have abused their powers. Why should we always be obsessed with the idea that persons of only the status of a High Court Judge or a Supreme Court Judge can alone be trusted. We know that there have been criticisms and there will be criticisms even against the acts of the judges. Therefore, at some point or the other, we have to trust certain functionaries in the Government. Otherwise, the whole thing would end in a chaos.

There is a very redeeming feature in this Bill that the courts have been prohibited to issue injunctions or stay

orders in relation to the proceedings which will come up before the competent officer.

There is provision also for the appellate tribunal and, ultimately, the Supreme Court lawyers will always with their ingenuity, with their brain, find out some ground for interference in findings arrived at by the tribunals which are semi-judicial or partially judicial. Therefore, that judiciary function will remain there. The overall power of the Supreme Court will be there.

With these words, I extend my fullest support to the provisions of the Bill so far as they go. But I would request the Government that an amendment should be accepted and habitual offenders should also be brought within the mischief and the ambit of the Bill.

SHRI BHOGENDRA JHA (Jainagar): Mr. Deputy-Speaker, Sir, this Bill has been brought to replace the Ordinance issued a few months ago. With regard to the smuggling operations, we have all been facing this problem time and again

MR. DEPUTY-SPEAKER: Crying hoarse against it or for it?

SHRI BHOGENDRA JHA: Against it. Those who are for it, need not cry.

Last year, the hon. Minister, Shri P. K. Mukherjee had stated that during 1974, about Rs. 88.31 crores worth of smuggled goods had been seized. During the debate, in this House, the Finance Minister, Shri C. Subramaniam, stated that in 1970, goods worth of Rs. 22 crores; in 1971, goods worth Rs. 30 crores; in 1972, goods worth Rs. 28 crores and in 1973, goods worth Rs. 35 crores were siezed.

With regard to the foreign exchange, we have not been able to find out the exact amount or even the approximate amount which can be estimated to be manipulated by those manipulators. A Study Team appointed by the Government, the Finance Ministry, in its report in 1971 has stated:

> "On an overall view, the total consumption of unauthorised foreign exchange for various purposes in a year would appear to be of the order of Rs. 240 crores or thereabout"

That was the estimate made in 1971. The figure must have gone up since then.

Then, we have been facing this problem in various other ways also. As was repeatedly stated by me in this House, last year, when the conservation of Foreign Exchange and Prevention of Smuggling Activities Bill had come before the House, we had a lengthy argument here and the Finance Minister, Shri C. Subramaniam stated on 6th December, 1974 as follows:—

> "Again, Mr. Bhogendra Jha made the point which was reinforced by Mr. Banerjee about dealing with the property. Any acquisition of property or wealth through the smuggling activities stands on a completely different footing altogther and, therefore, it will have to be dealt with in a different manner for the purpose of confiscation. I can assure the hon. Members that the matter is under investigation. We are trying to find out what sort of law we should have so that it may stand the test of judicial scrutiny also."

This was on 6th December, 1974. Then, I asked, "Will you bring it in this session?". Shri Subramaniam said, "I cannot say that because it depends

[Shri Bhogendra Jha]

on how soon they are able to formulate the proposals."

This shows that on 6th December, 1974, the Finance Minister formally gave a fore-warning to the smuggiers and foreign exchange manipulators that, if they can, they should devise means and methods to see that they are not caught when any enactment of this kind comes into being.

I will come to the Bill later on....

MR. DEPUTY-SPEAKER: You have very limited time. You better come to the Bill.

The House had agreed to call the Minister at 2.45 p m. I am giving ten minutes each and I am just giving you friendly advice, please come to the Bill now.

SHRI BHOGENDRA JHA: When this Bill was initiated, it was said it goes by the court interpretation in the matter. As you know, the Supreme Court itself had given a ruling on 12th February 1975 as follows:

> "There is no connection between smuggling which is essentially a secret and clandestine operation and maintenance of public order in which the operative word is 'public."

The Delhi High Court, again, ordered the realease of Sukar Narain Bakhia, Yusuf Patel and three others as one of the 'grounds' was non-existent. I know because I myself have been detained several times and several times grounds were non-existent, but the Supreme Court could not release me in 1950-51. But here our Supreme Court is too generous, in this situation, to the Executive Officers. I would like, through you, to urge the Minister, if he has the courage, to institute an enquiry in to it. One Customs Inspector in Madhubani district was caught red-handed by the people while he was smuggling goods himself in a company. His face was blackened and he was paraded in Bihar before four District Magistrates. The District Magistrates of Madhubani, Dharbanga, Samastipur and Begu Sarai, the Commissioner and the Inspector of Police were all there. The people took him to the police station. But later a false case against these people was instituted and it is still lying unproved.

Another Block Development officer of Basopatti in Bihar was caught red-handed by the people while smuggling goods from Nepal. Afterwards, he was suspended from service, perhaps because he belonged to the State Cadre and not to the Central Cadre like the Inspector I am just citing these to show that smuggling comes to the cognizance of the people and persons like me try to help the administration to implement the laws. But such people are being prosecuted.

I will give you another instance. The Motihari Policemen's co-operative formally sumggled goods from Nepal —goods of Chinese and Japanese make—and they are being formally sold by the Policemen's Cooperative in Motihari. If the Minister has the courage to see the goods, they are still not totally disposed off.

After this, I am coming to the point that, with this background

MR. DEPUTY-SPEAKER: of the ten minutes, only two now remain.

SHRI BHOGENDRA JHA: I am not in the habit of always troubling you. If you want. I will try to remain out of the House.

MR. DEPUTY-SPEAKER: Please don't get excited, but a certain time has been allotted.

SHRI BHOGENDRA JHA: I understand that, but you can extend the time. If I am irrelevant. You can stop me.

SHRI H. N. MUKERJEE (Calcutta-North-East): Why is such a rigid time schedule fixed by the Chair?

MR. DEPUTY-SPEAKER: I am very, very conscious of this myself but, before Lunch, the Minister of Parliamentary Affairs drew the attention of the Speaker and the House to the fact that there is a lot of business pending and to the fact that yesterday, a Bill for which three hours had been allotted took five hours, resulting in the upsetting of the entire schedule. Now, he made a request to the Chair that the Minister should be called at 2.45 p.m. in order to minimise time.

The Speaker went on record that he had agreed to that. I am only trying to keep to that schedule. What else can I do? I understand that a Bill like this cannot be disposed of in two hours. I am not saying that what Mr. Bhogendra Jha says is not relevant; it is very very important. But he should realise my difficulties also.

SHRI ERASMO DE SEQUEIRA: Let us move a formal motion that the time be extended by one hour.

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): This time has been fixed by the Business Advisory Committee in which all the Parties are represented. I am not objecting to a few more minutes being given. I seek the indulgence of the House so that we may complete it in time.

MR. DEPUTY-SPEAKER: You have to help me. Here, I have six Members from the Congress Party who want to speak. I will try to accommodate them; I have told them that, in order to accomodate as many as possible, I will give them 10 minutes each, and they should try to cooperate. I will not call all of them; I will call them in the order in which I find them, and when the time is over, I will stop. I have given Mr. Bhogendra Jha ten minutes. I will give him a few minutes more. Please try to cooperate. That is all.

SHRI BHOGENDRA JHA: The objects and reasons of this Bill are to be objected to not. The objects are very clearly defined:

> "Persons engaged in such malpractices have been augmenting their ill-gotten gains by violation of laws relating to income-tax wealth-tax or of other laws...."

By reading the objects, one could presume that this Bill may, if not today, at least in future, cover wider areas; it may have wider nets to get the ill-gotten wealth; here, it is limited only to smuggling.

Last year, the Finance Minister had charged us that we were accusing the Government of half-heartedness. I wish to point out again that this Bill, which has come during the period of Emergency and after forewarning them more than a year ago, is coming half-heartedly and hesitatingly. This is a gift to the smugglers.

In the first place, I would like to point this out. The Government may get this Bill passed. But I want that the House and the Minister should give thought to it. Here, the property of any person who has been found guilty and has been convicted for an offence in relation to smuggling of goods worth Rs. 1 lakh on the basis of wholesale prices at that time, cannot be inquired into, cannot be touched. This is very strange. Does it mean that property worth Rs. 1

[Shri Bhogendra Jha]

lakh on the basis of wholesale prices of those persons who have been already convicted—all these things are very difficult and even after doing these—cannot be inquired into? This Bill provides for that. This is a shameful piece of legislation, and it will be a shame on us if we pass the Bill in this form.

Similarly, if an order of detention has been set aside by any court, in that case the property cannot be inquired into. Why can't it be done? In many cases, the courts have set aside orders of detention. So, those cases cannot be touched. Also, if the order is revoked, that case cannot be inquired into.

There are some more provisions. Here, in the 'Explanation 4', on page 4 of the Bill, it is said:

> "For the avoidance of doubt, it is hereby provided that the question whether any person is a person to whom the provisions of this Act apply may be determined with reference to any facts, circumstances or events (including any conviction or detention) which occurred or took place before the commencement of this Act."

I want to know what will happen to those cases who have been found guilty of these offences after the commencement of this Act. This should be clarified. Will you wait for some court order to come again? Does it mean that this will apply only to the past?

One more exemption is with regard to trusts. This is a very serious thing. Many top smugglers have formed trusts, charitable trusts or other institutions and thus they have seen to it that their ill-gotten property is not touched. Here the Bill provides that such property as has been held by such trusts or institutions from a date prior to the commencement of this Act shall not be touched. The Finance Minister gave the warning 15 months ago, and during this period many smugglers have formed trusts and thus their property will not be touched. So, this is not a Bill for netting those things; this is a Bill for exempting them. Only the objects and reasons are there in its favour, but there are a number of exemptions and exclusions. I think even now the Government should give consideration to this that during the phase of the Emergency after so much dilly dallying, these exemptions should not form part of it.

SHRI S. R. DAMANI (Sholapur): Mr. Deputy-Speaker, Sir, I rise to support this Bill. Many hon. Members have referred to some of the provisions of the Bill and I would not like to take the time of the House as also the time allotted to me again to repeat those provisions. While replying, the hon. Minister will deal with those points.

Sir, it is a fact that the evil of smuggling had upset the economy of our country for the last many years. Previously, the smuggling was of gold only, but now for the last some years, all the items of consumer goods are being smuggled, for example, fountain pens, ball point pens, terylene, wrist watches etc. All these items, which are being produced in the country are being smuggled. Thus, it has affected the growth of our industries to a great extent. It has also taken away the foreign exchange which the country would have received. Hundreds and thousands of our countrymen who are working in other countries remit their savings to their families in our country. If the foreign exchange would have come in the right way and through proper channels, it would have helped us a great deal. Our country is short of foreign exchange at present. If the country receives the foreign exchange earned by our various countrymen working abroad, our foreign exchange position would have

been strengthened. The foreign exchange was, however, being used for smuggling purposes. I am happy that during the last one year, the smuggling has very much reduced and by this Act and stronger action, it will be reduced considerably.

The question is whether by these strong measures, the evil of smuggling will stop completely or temporarily. What are the reasons for this smuggling and what should be done so that the smuggling of consumer goods is stopped automatically? In this connection, I would like to express my view The main thing which has been giving incentive for smuggling these goods is the high rate of excise duty on certain items There are many such items like terylene, and other cloth which are being used by the middle class people. There the excise duty is Rs 3 to Rs 4 per meter Similarly, on other items, the excise duty is very high The result is that it gives incentive to the smugglers to smuggle these items If the excise duty is brought to reasonable levels, the demand of those goods will increase and the country can have more industries set up to produce those items The revenue of the Government will not be affected, it will go up And smuggling will be reduced automatically and Government will not have to resort to all these measures. Therefore, the excise duty which is so high and which is giving the incentive and helping smuggling activity should be brought down to a reasonable level so that smugglers have no margin and smuggling will automatically stop This is my point and this will also help in setting up of many industries Now, what is happening? On account of the high excise duty, many small industries which are manufacturing these items have come to difficulties. They are closing down and the Government is not getting the revenue The point is this The rate of excise duty requires to be adjusted so that the incentive for smuggling is automatically reduced.

The second and last point I want to make is that at present whatever goods are confiscated are being sold in the country either through co-operative societies or through other channels. That helps the smugglers to sell these smuggled goods under the guise of goods sold by governmet. That should also stop and these goods which have been seized should be re-exported. When I raised that point sometime ago, it was said that it was not possible and that no country would purchase the goods These are mere lame arguments But if government do not want to sell them but export them, there are markets for them We may get less price but apparently it will be easier for the officials and it will be easier for government to dispose of the smuggled goods Therefore, the sale of smuggled goods within the country should also stop and unless it is stopped, the incentive for smuggling will continue

In the end my suggestions are (1) that the excise duty must be adjusted in such a way that neither it will affect the revenut nor will it act as a sort of incentive to smugglers and (2) that the smuggled goods should not be resold in the country

With these suggestions, I support the Bill

SHRI SHYAM SUNDER MOHAPATRA (Balasore): This Bill which provides for the forfeiture of illegally acquired properties of smugglers and foreign exchange racketeers is indeed a very ideal and timely Bill. Perhaps as has been outlined in the objective of this Bill, it is going to affect the very social fabric of our society. Among the various new legislations which have been brought during the past few months, this one strikes me the most because it is going to attack at the very root of smuggling practices in our country and also at the root of racketeering in foreign exchange.

[Shri Shyam Sunder Mohapatra]

As we all know, there has been a necessity for depriving persons who are engaged in such activities of their illegal and illegitimate gains. The smugglers have in fact built palaces in different parts of the country and live a style of life which probably, even a western tycoon would envy. They have properties not only in the names of their relations and associciates but also in the names of their pet dogs and cats. All this has come out in the Press and the time has really come when the government become very strong, rather I would say, fanatically strong to see that smuggling and foreign exchange racketeering are eradicated for good from this land Take foreign exchange racketeering

We all somehow or other are involved in it The students who go abroad for studies somehow or other manage the funds Our leaders, in whatever social strata they are, when they go to foreign countries, want to bring many things foreign and they want foreign exchange. Indian residents who are abroad want to remit money to their relatives here and some of them get involved in this foreign exchange racketeering. This is a complicated affair. Somehow or other it goes to lure persons who have money there abroad and persons in our country at the receiving end This complicated process, I am sure, will be checked by this Bill to a very large extent. Here, in this connection, I have to bring to your notice that the Foreign Exchange Directorate which is to attack it must be vigilant, active, tenacious and they should have perseverence to dispose of cases as quickly as possible. I know that a number of cases have been going on in the courts of law for a number of years here in India in regard to the persons who had been arrested for such racketeering. Months and months, years and years have passed but the cases have not been disposed of. These racketeers being held up here, are again engaging themselves in the nefarious activities. One of such persons is Kalyan Bosu. Three years ago this man was hauled up in this country as he wanted to cheat the Government, the industrialists and many other persons. He said, he has purchased many companies having base in England and he was arrested on November 23, 1972 under the provisions of Foreign Exchange Regulations Act, 1947 because he smuggled Rs. 3.24 crores and went on bail for Rs. 50,000. He is still in India and his cases have not been disposed of. He has been cheating people saying that he is a big man in Switzerland or in America. He wants to allure Indians for business in foreign countries but Government has not taken any action to put an end to all this.

I know the cases of so many other persons. Why does the Government not fix a target date for the disposal of such cases? Why not tell the Investigating Officer or the Director of Foreign Exchange that nobody can be here in our country for more than such and such a period? Otherwise, I must say that the Directorate is not very efficient.

Mr. Deputy Speaker, under this Act, the competent authority is an officer not below the rank of a Joint Secretary Competent authority should be very very senior officer—Secretary or may be a little above that. Appellate authority is quite all right because the person must be of the rank of a Judge of a high Court or the Supreme Court.

In this connection, I must also bring to your notice that there are many old cases which are still to be disposed of. We know Hari Das Mundra, Whose case was to rob Parliament and Late Feroz Gandhi became important by exposing this racket—Mundra 2 million pound

affair concerning five U.K. Banks and six registered companies. The cases are yet to be disposed of. There is also a case against Louis Dreyfus & Co., Calcutta, for under-invoicing to the tune of 2,70 crores foreign exchange, for which show cause notice was issued. Ten years have passed but the cases have not been disposed of. I know many persons who go to the Foreign Exchange Department with documents, photo stat copies and everything. Why do you not utilise their services for the good of the country? One such person is roaming round the corridors of the Secretariat of the Foreign Exchange Directorate, but the officers are telling him that the documents are missing. Why?

In any case, this Bill is an ideal one. The country which has been passing through the crisis has come to a position when we can visualise a new horizon. The process of socialism has been initiated with such bills one after another, with such changes in the Constitution. With bills to change the social order, I think we will reach a strata where it will be each according to his capacity and from each according to his means.

SHRI PRANAB KUMAR MUKHERJEE: Mr. Deputy Speaker, I am grateful to the hon. members for by and large supporting the Bill and almost every one has observed that the objective of the Bill is laudable, though some of the provisions according to some members are too stringent and Government officers/competent authorities have been provided with very wide powers and according to another section of the hon. members this is too lenient and Government just want to make an eye wash, that is why they have brought a Bill like this. While moving the disapproval motion, he wanted to know what was the urgency behind this ordinance, what steps we have taken after promulgation of the ordinance etc. The provisions of the Bill in terms of this ordinance came in effect from 5th November, 1975. Instead of going into details I will place a few facts for the benefit of hon. Members. On many occasions we have said about this while answering questions relating to smuggling and bringing the legislation COFEPOSA. Many of them suggested suo motu that until and unless you take care of properties created by the smugglers out of the assets it would not be possible to do away with this menace merely by keeping them behind the bars for a particular period of time. At the same time it was pointed out by Minister of Finance and it has been quoted by Mr. Bhogendra Jha, of course, absolutely with different interpretations. At that time he said that we are contemplating to bring in suitable piece of legislation to confiscate properties of the smugglers out of assets earned illegally. Till today, since the days of Machiaville one can forgive the murderer of one's father but one cannot forgive the confiscator of his patrimony. Until and unless we hit at this thing, until and unless a situation is created whereby fear is put in the minds of smugglers and foreign exchange manipulators that the illegal wealth earned by him by contravening provisions of law will not be enjoyed by himself or his relatives or associates, perhaps, it would not be possible to do away with smuggling altogether. I am afraid I do not agree with Mr. Jha's observation that because it was pointed out by Finance Minister about one year back, these people just got the warning and so the entire object of the Bill will be frustrated. The entire object of the Bill will not be frustrated at all. Until and unless we are in a position to identify the culprits and locate them and prove that it is made out of smuggling activities and assets, it would not be easy for us to take action as per the provisions of the Bill and as soon as this Ordinance was

[Shri Pranab Kumar Mukherjee]

promulgated, we took certain steps in that very direction.

Now I would like to give some figures relating to Bombay Collectorate alone. It has been possible to collect the particulars of 968 persons who would be brought under 2(a)(i), convictions under Customs Act valued over Rs. 1 lakh, under the provisions of this Bill. In regard to clause 2(a), sub-clause 2—the number is 8 and in regard to clause 2(b), COFEPOSA,—it is 281. Similarly, in respect of Madras, it is 18, 11 and 43 respectively. In respect of Calcutta, it is 23, 59, 74 and 79. I would not like to repeat the figures. These particulars have been collected and these will be utilised when the Bill will be enacted and translated into a fullfledged piece of legislation. Therefore, it is not correct to say that we have not taken any action when the Ordinance was passed. Apart from creating psychological fear in the minds of smugglers and foreign exchange manipulators, it has also helped in our intensifying our anti-smuggling activities through various other means by intensifying searches and seizures, by intensifying raids, by arresting the people under COFEPOSA and putting them behind the bar, by issuing orders of attachment of properties in respect of absconders. In addition to that, this additional fear has created an atmosphere which has contributed to the reduction of smuggling and foreign exchange racketeering in the country.

I have no doubt that when it is actually translated into an Act, it would be possible for us to take measures as per the provisions of the Act. Of course, as the hon. members themselves have pointed out, it would not be very easy to confiscate the properties as per the whims of the competent authority whom we have appointed. After the Ordinance was promulgated, they have taken charge in certain places and various other preliminary arrangements which were needed have either been completed or are under completion.

Now, Members, particularly, Shri Somnath Chatterjee, while making the observations, have suggested why we are keeping some deliberate flaw in the law itself. While making his observations, he tried to highlight that perhaps it is the offspring of COFEPOSA and his contention was that when the main act is extended to the State of Jammu and Kashmir, why this act is not extended to the State of Jammu and Kashmir. Originally, we had an idea of extending it to the state of Jammu and Kashmir but, because of certain reasons, it could not be brought in immediately. Hon. Members should have surely noticed the various provisions in the Bill that when there is a certain prohibitory act over which this Parliament has the legislative competence, the violation of those acts will attract the provisions and those violating the acts will be brought within the purview of this Bill. But, the legislative competence of this Parliament in all matters is not extended to the State of Jammu and Kashmir because of certain constitutional provisions. Therefore, it was found necessary that we shall have to consult the State Government as it is being done in other legislative measures also. And after that, it will be extended to the State of Jammu and Kashmir and, moreover, it has to be kept in mind that because of the very basic and special status of the State of Jammu and Kashmir, it would not be easy for the outsiders to create permanent assets—fixed assets—in that State. So far as that State is concerned, if we look at the figures of the preventive detention under COFEPOSA, at least, till now we do not find many notorious smugglers residing in that area.

Another question raised was whether cash would be created as property. We consulted the Law Ministry in this matter and as per their advice, it will be treated as property. Therefore, certain lacunae which he tried to highlight do not really exist. Now, the question comes whether by enhancing the definition of the word 'associate', innocent people will be brought within the purview of this Bill. Sir, I do not rule out the possibilities altogether. We have to keep in mind the very nature of the operation of this type of activities, particularly, the kingpins who are never seen in the stage but they are always behind the screen. and everything they manipulate through their agents and through other people, some of them merely the employees of those people But if we want to keep them outside the purview of this Bill to my mind the major objective of the Bill will not be fulfilled

Sir, the same argument could be given in respect of detentions. It is true those people who have been arrested under COFEPOSA have not been convicted in the court of law. Many a time it has been pointed out that those we know and even the hon. Members know—some of the very top smugglers of this country who have created assets by illegal means and their assets sometimes are fabulous—many of them are not convicted in the court of law. The very purpose of COFEPOSA was to put those kingpins behind the bar under the provisions of COFEPOSA who could not be prosecuted in the court of law under the ordinary provisions of the law. Therefore, if we want to exclude the people, those who are behind the bar under COFEPOSA apart from the number of 2008, quite a large number of the big fish will be out of the net which, I am afraid, the hon. Members would not like to happen.

Another hon. Member has mentioned as to why we are not using the words 'habitual offenders'. That has been provided, namely, 'multiple offences' under the Customs Act, that is, 2 A sub-section (2). But if we confine only to 'habitual offenders' the argument which I just made that the kingpins may never be convicted in the court of law and they may never be punished in the court of law for the violations of these acts will hold good because these people are mostly behind the screen.

Mr. Deputy Speaker, Sir, by and large the provisions of this Bill have been supported by the hon. Members and I would not like to take much of your time I would just express my gratitude to the hon. Members and I would like to conclude by answering one point referred to by Mr. Bhogendra Jha. I do not know why he termed this piece of legislation, as shameful piece of 'legislation' when the objective of the Bill is laudable and when day in and day out he is accusing of the Government for not bringing very strong measures against the economic offenders. When a piece of legislation like this is brought for his approval and the approval of the House, I do not know, why it should be termed as 'shameful piece of legislation'. It may not be upto his expectation and it need not be because we have differences of opinion. We have differences of approach but because it is not upto his expectations, I am afraid, he should not have used such strong words.

SHRI ERASMO DE SEQUEIRA (Marmagoa): Mr. Deputy Speaker, Sir, while moving statutory Resolution I had requested the Government to tell us in the House the reason as to why an Ordinance had to be moved and why they could not come forward with a straight-forward.

[Shri Erasmo De Sequeira]

Bill instead to get the some objective. In his reply the hon. Minister has been kind enough to give an answer in two parts: (i) that a climate of fear has been created by this Bill; and (ii) since the Ordinance was passed they had identified people who could be brought within the purview of the Ordinance.

15 hrs.

Sir, as far as part (i) of the reply is concerned, I am afraid, it does not convince me. Because, after the arrests under COFEPOSA, I am sure that sufficient fear had been created, making it unnecessary to have this legislation by ordinance. As far as the second part of the answer is concerned, that is precisely what I am saying, that there was no advantage at all in bringing forward an ordinance because all that the Government has done is to identify those people, and this identification could have been done without the ordinance. The Minister himself says that he will only begin to act after this Bill is passed into law. Therefore I come again to the painful conclusion that the only reason that an ordinance was put forward was because this government prefers to rule by edict, so that it can come to us and say that the ordinance is lapsing and we cannot even go to a select committee. This is a fascist way of working.

I was saying that very wide powers had been given in this Bill which were subject to considerable misuse. I was asking for safeguards and controls. To my mind they are essential. At the time when MISA was being extended to smugglers, speaking in this House—I believe you were in the Chair—I said that those provisions would be used against smugglers today, against political opponents of the government tomorrow and against political opponents of the ruling clique in the ruling party the day after; it is on record. I was wrong only in the detail, because Mr. Atal Bihari Vajpayee of opposition, political opponent of the Government, and Mr. Chandrashekar of the Congress party, political opponent of the ruling clique in the ruling party were both arrested on the same day It is not that we are voicing fears which are not real. These things are happening with this government, and that is why we say that when legislation is passed in this House due care should be taken that the provisions are not such as could be misused.

When the arrests were made under COFEPOSA, it became obvious from the arrests that the Government was already in possession of intimate knowledge on how smuggling was going on in this country and how foreign exchange was being manipulated. It is no secret that smuggling on the scale on which it exists in our country, foreign exchange manipulations to the extent they are here, are not possible without the involvement of the officialdom and without political involvement at the level of government. The hon. Minister in his reply just now said that perhaps one of the worst things was confiscation of patrimony. What I am talking of is matrimony of the smugglers and foreign exchange manipulators with certain levels of officialdom and certain levels of government. What are they doing about the spouse in the government the spouse in officialdom of the foreign exchange manipulator and smuggler? We are told stories of launches that are bought but fail, watch that is supposed to be kept and is not, and so on, and documents seized, and not acted upon. We also know how badly law can be misused and how many loopholes are there in this law which will be delightful for the courts, which will enable the big fish in smuggling, big fish in foreign exchange manipulation and their friends the big fish in the government to

slip through the lacuna that has been kept in the law. My hon. friend from that side was saying that Government should be fanatically strong in this matter. I find that Government is only fanatic in legislation, but not at all strong in implementation

This is only for white-wash, nothing beyond that. A few chaps will have their property confiscated, no doubt. But not the big fish That is the story We have seen you catching a little fellow and big fellow gets away

Now, I would like to ask one thing. What happens to property which has been disclosed under the voluntary disclosure scheme? Will Government examine those cases and ensure that those cases which come within illegally begotten property are brought within the scope of this scheme? We have a fear that that will also be on escape hatch

My friend Mr Shukla was saying that we must have confidence in the Government, and that Government should have the confidence of the people That is what I precisely keep saying every day about having confidence in the Government. Judging by their performance, it is not just possible. Regarding the Government having the confidence of the people, they had it in 1971 They were supposed to find out again on the 18th March. They are trying to run away from that They should not, for this is a democracy and we must on the 18th of March, forfeit the mandate of this Government to the people and let the people decide *who has to run the country for the* next five years, because beyond that date this Government will remain in office only by political manipulation, which in my books, is as bad as foreign exchange manipulation.

MR. DEPUTY-SPEAKER: The question is:

"This House disapproves of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Ordinance, 1975 (Ordinance No. 20 of 1975) promulgated by the President on the 5th November, 1975."

The motion was negatived.

MR. DEPUTY SPEAKER Now, will put the amendment to the vote of this House The question is

"That the Bill to provide for the forfeiture of illegally acquired properties of smugglers and foreign exchange manipulators and for matters connected therewith or incidental thereto, be referred to a Joint Committee of the Houses consisting of 6 members, 4 from this House, namely —(1) Shri S. M. Banerjee, (2) Shri Dinen Bhattacharya, (3) Shri P G. Mavalankar, (4) Shri Erasmo de Sequeira, and 2 from Rajya Sabha,

that in order to constitute a sitting of the Joint Committee, the quorum shall be one-third of the total number of members of the Joint Committee,

that the Committee shall make a report to this House by the 18th March, 1976,

that in other respects the Rules of Procedure of this House relating to Parliamentary Committee shall apply with such variations and modifications as the Speaker may make, and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 2 members to be appointed by Rajya Sabha to the Joint Committee.

The motion was negatived

MR. DEPUTY SPEAKER: The question is:

"That the Bill to provide for the forfeiture of illegally acquired properties of smugglers and foreign exchange manipulators and for matters connected therewith or incidental thereto, be taken into consideration."

The motion was adopted.

MR. DEPUTY SPEAKER: Now, we take up clause by clause.

Clause 2—(Application)

SHRI ERASMO DE SEQUEIRA: Sir, I am moving my amendment No. 2.

I beg to move:

Page 2, line 7—

for "in relation to" *substitute*—

"of smuggling". (2)

Page 2,—

omit lines 19 to 42. (3)

Sir, I was submitting a little earlier, a point. What I have mentioned was that the Customs Act and the Foreign Exchange Act are comprehensive pieces of legislation which cover all sorts of misdeeds, if I may put it that way, from very minor to very major, and the only objective I have in proposing this amendment No. 2 is that Clause 2, sub-clause 2(a)(i) will apply only to smuggling. I would like this restriction to be there because as you have seen, five minutes ago, every friendly advice from the Chair became restrictive, so much more so should it be with such a wide piece of legislation. I realise perhaps this is not the best way to amend it and there would be a much better way. That is why I say a Bill of this kind cannot be passed in this way; it has to go to a committee. I myself am not satisfied with the amendments I have given, I am sure in consultation with your legal department, you will be able to do something much better. But if Government is bent upon steam-rolling things, this is what is going to happen. I would request the minister again to think over this.

The other amendment is for the deletion of sub-clause (2)(b) and the proviso. These refer to a person who has been detained under a law of preventive detention, *i.e.*, COFEPOSA, under which the government can catch hold of any person in the country, throw him in jail without charge, without reason and without trial, and because of the mere fact that you have done this injustice to somebody, you can then bring him within the mischief of this Act and forfeit his property! What is there to stop this government from calling any of us foreign exchange manipulators, smugglers and what have you, taking action under this? There is no objective assessment at all. How is the controlling authority to record a *prima facie* finding about a person who has not been given the reason why he is in jail? What is the nexus? I have never seen such a provision in the legislation of any democratic country. This is purely a fascist measure.

SHRI PRANAB KUMAR MUKHERJEE: While we are suggesting that this Act should cover persons covered by the Customs Act, Sea Customs Act and the Foreign Exchange Regulation Act, the hon. member's amendment seeks to restrict the operation of the law only to smugglers.

SHRI ERASMO DE SEQUEIRA: I say, under the Sea Customs Act, apply it only to smugglers.

SHRI PRANAB KUMAR MUKHERJEE: There are a number of violations under the Sea Customs Act. Many times we have given the figures.

About persons detained under COFEPOSA, I have dealt with it in detail as to what is the idea of forfeiting the properties of those persons who are behind the bar. I do not agree with him that only innocent people are put behind the bar under COFEPOSA. I have explained it many times. If it were possible, we could have produced them before the court, but the big fish do not appear on the stage. They remain behind the screen. To catch the big fish, we want to extend these provisions to detenus under COFEPOSA.

MR. DEPUTY-SPEAKER: I shall now put amendments Nos. 2 and 3 to the House.

Amendments Nos. 2 and 3 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3— (*Definitions*)

SHRI ERASMO DE SEQUEIRA: I beg to move:

Page 4, line 31,—

after "such" *insert* "prohibitory" (4).

In clause 3(c)(i) it says: "any matter in respect of which Parliament has power to make laws;". Before that it says: "any activity prohibited". In other words, it says that any activity prohibited under law in respect of which Parliament has power to make laws. Then clause (ii), you say: "in respect of which any such law has been contravened.". That can refer to either prohibitory law or any other law. Threfore, I am saying again that it should not be so wide, because then you might bring somebody under this law who has nothing to do with economics or economic offences. Therefore, I was requesting that you put 'prohibitory' in this law and then that makes it clear.

SHRI PRANAB KUMAR MUKHERJEE: I would like to give just one example. Certain items are prohibited to be brought and certain others are regulated. Therefore, we want to bring both prohibitory laws and regulatory laws within the purview of this Act. If I accept your amendment, then it is limited only to prohibitory provisions of the law.

MR. DEPUTY-SPEAKER: I now put Amendment No 4 to the House.

Amendment No. 4 was put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4 to 6 were added to the Bill.

Clause 7— (*Forfeiture of property in certain cases.*)

SHRI ERASMO DE SEQUEIRA: I beg to move:

Page 6, lines 24 and 25,—

omit "free from all encumbrances" (5).

My reason for saying so is that here is a case of a property which Government comes to the conclusion that it has been illegally acquired and it

[Shri Erasmo De Sequeira]

declares it to vest in the Central Government. According to the Bill the declaration is to be made free from all encumbrances. Supposing there is a smugglers who has a property on which he has borrowed money from the bank, against mortgage of that property. Once you operate this clause, that mortgage shall stand annulled, and the Bank will have no other ground to recover the money. Take another case. A building which is owned by a foreign exchange manipulator, has got 48 tenants. Once you make a declaration that the building vests in the Government, the right of tenancy goes. For this reasons I am suggesting that when a declaration is made, the property should vest in the Government with encumbrances of third party. My point is that the encumbrances or third party should not be affected.

SHRI PRANAB KUMAR MUKHERJEE: If we do not accept it free from all encumbrances, then the smugglers and the persons whose properties will be confiscated will deliberately bring all sorts of ensumbrances and then it will be very difficult for the Government to accept that property So, that will be the biggest loophole

MR DEPUTY-SPEAKER: Now, I put Amendment No. 5 to the House

Amendment No 5 was put and negatived

MR DEPUTY-SPEAKER The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Clause 8 was added to the Bill.

Clause 9— (*Fine in lieu of forfeiture*)

SHRI ERASMO DE SEQUEIRA: I beg to move:

Page 6,—

for lines 34 to 41, *substitute*—

"(1) In any case where the source of only a part, being less than one-half, of the income, earnings or assets with which any illegally acquired property was acquired has not been proved to the satisfaction of the competent authority, such authority shall make an order giving an option to the person affected to pay, in lieu of forfeiture, a fine equal to one and one fiifth times the value of such non-proved part."(6).

Page 7,—

for lines 3 to 6, *substitute*—

"(3) Where the person affected does not pay the fine imposed under sub-section (1), within such time as may be allowed, the competent authority shall, by making a declaration under section 7, declare that such property stands forfeited to the Central Government."(7).

The present scheme is that in a case where the source of only a part, being less than one-half of the income, earnings or assets of a property has not been proved to the satisfaction of the competent authority, it shall be acquired by the Government. It shall make an order giving an option to the person to pay a fine equal to one and one-fifth times the value of such part and if he pays fine, such property shall stand released. But what will happen in between? Who will look after the property? Who is responsible for the property? What is the point in all this? What I have suggested is that if such a case arises, you first make an order, giving the person an option to pay the fine. If he does not pay the fine, you forfeit the property, because you have already provided in the law that once

a notice is served, any transfer of property is invalid. Since the declaration cannot be valid without first serving the notice, you serve the notice; any transfer thereafter is invalid. If you serve a notice that a certain amount is to be paid and if he does not pay, the fine, you can acquire the property. This suggestion is a considerable improvement. I would like to really know why it cannot be accepted.

SHRI PRANAB KUMAR MUKHERJEE: This would not be an improvement in the sense that firstly, it would be difficult for us to go and realize the fine and other things. Secondly, because we have given them concessions because half of the investment is not illegal, we let the property be transferred first. Thereafter, the other transactions should not be held. In between, the scope will be limited for transfer.

MR. DEPUTY-SPEAKER: I will now put amendments Nos. 6 and 7 to the vote of the House.

Amendments Nos. 6 and 7 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

Clauses 10 and 11 were added to the Bill.

Clause 12— (*Constitution of Appellate Tribunal.*)

MR. DEPUTY-SPEAKER: Mr. Sequeira, are you moving all the three amendments to clause 12, or just two?

SHRI ERASMO DE SEQUEIRA: I am moving all the 3 amendments viz., Nos. 8, 9 and 10: I beg to move:

Page 7, lines 41 and 42,—

omit "(being officers of the Central Government not below the rank of a Joint Secretary to the Government."(8).

Page 7, line 47,—

omit "or is qualified to be"(9).

Page 7, line 48,—

add at the end—

"and the members shall be persons who are or have been judges of a High Court"(10).

This is about the tribunal. The present constitution is that you have one person with the background of a court; and it says here also:

"if a person who is or is or has been or is qualified to be a judge of the Supreme Court or of a High Court."

I have requested that the words "is qualified to be", should be removed, because the qualification is very wide. This way, you can have a junior lawyer. My suggestion is that this being a case of confiscation, it is a serious matter; and you should give a person against whom you have made a declaration an opportunity. It is about forfeiting the property. I would suggest that whoever may be the person against whom you have made a declaration, you should give him a fair chance of getting a review with some sort of justice. The present provisions do not make for confidence. I am making a suggestion. What is the use of hoping that the Minister will accept it? He will not.

SHRI PRANAB KUMAR MUKHERJEE: The language used here, viz., "a person who is or has been or is

[Shri Pranab Kumar Mukherjee]

qualified to be a Judge of the Supreme Court or of a High Court", is perhaps the most known legal phraseology which we use. And regarding the inclusion of the officers, I have already pointed out, while making my observations, that not only here, but even in the income-tax department you find that the income-tax executive officers, when they discharge their functions as quasi-judicial officers, are not subject to ordinary administrative instructions. Therefore, I don't think that he should mind the inclusion of the officers; and I feel that the phraseology which we usually use, should be accepted.

MR. DEPUTY-SPEAKER: I will now put amendments Nos 8, 9 and 10 to the vote of the House.

Amendments Nos. 8, 9 and 10, were put and negatived.

MR. DEPUTY-SPEAKER. The question is:

"That clauses 12 and 13 stand part of the Bill."

The motion was adopted.

Clause 12 was added to the Bill

Clause 13 was added to the Bill.

MR. DEPUTY-SPEAKER: Clause 14.

Clause 14— (*Bar of jurisdiction*)

SHRI ERASMO DE SEQUEIRA: I beg to move:

Page 8, line 27,—

add at the end—

"except in so far as such injunctions refer to the protection of rights of any third party"(11).

It refers to the same thing I was talking about a little while earlier. There is no objection to what is being done to the smugglers and foreign exchange manipulators, or even to properties held by them in benami name. But some provision should be made to protect the rights of third parties who are honest citizens of this country against any kind of seizure which has nothing to do with them. There is a recent case we all know about, a hotel in Aurangabad, in which the Maharashtra financial institution has invested a considerable amount of money. If you forfeit that hotel free of all encumbrances and without a right of injunction, then the Maharashtra financial institution will lose several crores of rupees.

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): Sir, on a point of order. I have been watching for the last 20 minutes Whenever any amendment is put, neither the hon. Member, nor anybody, is saying "Ayes" In such a situation, I would like your guidance, is it necessary to put "Noes"?

MR. DEPUTY-SPEAKER: This is a point of order put in good humour.

SHRI PRANAB KUMAR MUKHERJEE: This provision is not for the purpose of taking away the jurisdiction of the courts. We want to finalise the cases expeditiously. It is known to us, and I would not like to repeat, that cases are dragged on in courts of law for years and even for tax evasion of a high quantum in this country the penalty given was imprisonment till the rising of the court. Therefore, it is better if it is taken out of the jurisdiction

MR. DEPUTY-SPEAKER: I will now put amendment No. 11 to the vote.

Amendment No. 11 was put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 14 stand part of the Bill."

The motion was adopted.

Clause 14 was added to the Bill.

Clauses 15, 16 and 17 were added to the Bill.

Clause 18— *Power of competent authority to acquire certain officers to exercise certain powers.*)

SHRI ERASMO DE SEQUEIRA: I beg to move:

Page 9, line 22,—

after "person" *insert* "specified in section 2 and"(12).

Page 9, line 23,—

add at the end "relevant to such person"(13).

know this is an exercise in futility, because nobody is listening; they only pretend to listen. Let me mention why I moved this. Under the scheme of the Act, it shall apply only to a certain kind of people; it will apply to those people who meet certain criteria—people who have been convicted or arrested under the Preventive Detention Act. But what you have done in clause 18 is to enable the competent authority to conduct inquiry, investigation or survey in respect of any person That means that the competent authority under this law can go from the tip of the Himalayas to Kanyakumari and catch any citizen and, in between, a few foreigners also. That is why I have been suggesting within your own scheme you make it clear that the conduct of any investigation or survey is in respect of any person specified in sub-section (2) who, according to you, are the people who are to be covered by this law. So, I am suggesting the addition at the end "relevant to such person". That will stop a considerable amount of abuse that I know, the hon. Minister knows and the entire House knows, is bound to take place.

SHRI PRANAB KUMAR MUKHERJEE: Regarding this wide power of making enquiry, in regard to property, their location, identification and so many other things are involved. Many of them may not be strictly within the purview of this. That is why there is necessity for taking wider power to make enquiry or investigation. But they will move on the basis of some information, certain facts. It is not that they will go from the tip of Himalayas to Kanyakumari and enquire into all sorts of things. They will use their discretion. I feel this provision is needed. I cannot accept the amendment.

MR. DEPUTY-SPEAKER: I will now put amendment Nos. 12 and 13 to the vote of the House.

Amendments No. 12 and 13 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 18 stand part of the Bill."

The motion was adopted.

Clause 18 was added to the Bill.

Clauses 19 to 27, clause 1, the Enacting Formula, the Preamble and the Title were added to the Bill.

SHRI PRANAB KUMAR MUKHERJEE: I beg to move:

"That the Bill be passed."

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill be passed."

श्री रामावतार शास्त्री (पटना) : माननीय उपाध्यक्ष जी, मुझे केवल एक बात कहनी है। सरकार कानून बना रही है। यह ठीक है कि तस्करी को रोका जाय और ऐसे लोगों को सजा दी जाय जो देश के खिलाफ काम करते हैं। मैं पहले भी इस सदन में कह चुका हूं और आज पुनः दोहराना चाहता हूं कि हमारे सूबे बिहार में नेपाल का बार्डर है। तस्कर लोग हिन्दुस्तान से नेपाल और नेपाल से हिन्दुस्तान आते जाते रहते हैं। यों आप के कार्यालय भी उस की रोकथाम करने के लिए पटना और मुजफ्फरनगर में है, लेकिन उस के बावजूद तस्करी बढ़ती जा रही है।

MR. DEPUTY-SPEAKER: This is not a Bill to stop smuggling, but to forfeit the property of the smugglers. I am only pointing out the scope of the Bill.

श्री रामावतार शास्त्री : मैं उसी बात पर आ रहा हूं। ये चीजें हो रही हैं। हमारे सूबे में गांजा, कोकीन इस्पात के सामान आदि सभी चीजों के बहुत बड़े स्मग्लर एक हैं बेगुसराय जिले के कामदेव प्रसाद सिंह, ये बड़े नामी हैं। एक लाख रुपये का इनाम बिहार गवर्नमेंट की ओर से उन के ऊपर है, लेकिन वह शख्स आज तक पकड़ा नहीं गया है। पिछले चुनाव में संगठन कांग्रेस के नेता के बहुत बड़े समर्थक भी थे। मैं यहां पहले भी कह चुका हूं कि उन्हीं की कृपा से 50 बूथ कैप्चर करके वह यहां पर जीत कर चले आए। आज वह हमारे बीच में नहीं हैं, जेल में हैं। अब श्री सिंह की कांग्रेस नेताओं से भी दोस्ती है और कुछ मंत्रियों में भी दोस्ती है।

MR. DEPUTY-SPEAKER: Please mention the property of Kamdeo Singh and ask the Minister to attach it.

श्री रामावतार शास्त्री: वही तो मैं कह रहा हूं। इतना बड़ा स्मग्लर है जिस की लाखों की प्रापर्टी है। अब सुनाई पड़ता है कि वह कांग्रेस में शामिल हो गया है। इस वजह से उस की प्रापर्टी पकड़ी नहीं जाती है। अगर यही गोरखधन्धा होता रहेगा कि स्मग्लर लोग आप की तरफ आयेंगे और उन की तरफ जाएंगे तब उन की प्रापर्टी जब्त नहीं होगी। तो फिर यह कानून किताब में ही रह जाएगा।

उपाध्यक्ष महोदय : बिल के स्कोप पर बोलिए।

श्री रामावतार शास्त्री। उसी पर बोल रहा हूं। वह स्मग्लर है या नहीं ? वह बहुत बड़ा स्मग्लर है और उसकी लाखों की प्रापर्टी है। मैं जानना चाहता हूं उस की प्रापर्टी जब्त की गई है या नहीं ? अगर नहीं तो सरकार कौन सी कार्यवाही कर रही है कि उस की प्रापर्टी को जब्त किया जाये और साथ-साथ उस को जेल में डाला जाये।

SHRI N. K. P. SALVE (Betul): I shall confine myself strictly to the scope of the Bill and that precisely is my grievence with the Finance Minister. If one were to see the objectives of the Bill, one could not find anything more laudable. So far as this legislative measure is concerned, it concerns the largest legislative principle. According to the objectives, it will be found that the smuggling activities and foreign exchange manipulations are having deleterious effects on the national economy. And later on, it is stated that with the help of ill-begotten wealth, which these manipulators and the smugglers acquire, they even tend to confer social status and prestige, which is quite contrary to the healthy social cultural norms.

Sir, better late than never. If the Finance Minister is awake to these deleterious and pernidious effects, so much the better for us, and he deserves to be congratulated for bringing in this legislative measure. But my grievance is are the distortions in the economy only on account of the smugglers and only on account of those who are manipulating the foreign exchange? What about large number of economic offenders who are traficking in drugs, who are indulging in making these drugs spurious.

MR. DEPUTY-SPEAKER: That is outside the scope of the Bill. (*Interruptions*).

SHRI N. K. P. SALVE: Not outside the scope. The Minister may kindly consider to add one more category. I am on sub-section 2. I am grateful to you for drawing my attention to this... (*Interruptions*)

MR. DEPUTY-SPEAKER: You are a very seasoned parliamentarian. You know the scope of the debate on the third reading. I do not have to remind you about the scope of the third reading. (*Interruptions*)

SHRI N. K. P. SALVE: The sub-section 2(1) takes in only those people who are guilty of offences under the Sea Customs Act, Foreign Exchange and Regulations Act or the Conservation of Foreign Exchange and Prevention of Smuggling Act. Merely confining to those persons who are guilty under these enactments, all these legislations will never be able to achieve the objective which the Bill has for its purpose. Therefore, my submission is what the Minister, should at least, while replying to the debate, consider those people who have ill-begotten wealth, not purely by a process of smuggling or by a process of manipulation of foreign exchange, but through other means. Today, you have read in the newspaper that people are adultering human blood.... (*Interruptions*)

MR. DEPUTY-SPEAKER: I am learning a new thing every day, and whenever, a member speaks, I will always learn a new thing from him.

SHRI N. K. P. SALVE: You are a good student. I am happy.

MR. DEPUTY-SPEAKER: I am a very good student I have been a good student, I am a good student and I shall continue to be a good student.

SHRI N. K. P. SALVE: That is the attribute of a very good professor which you are, Su.... (*Interruptions*) I am abusing the privilege that you have given me. I beg to submit that all those people who are guilty of adulterating human blood, if we cannot send them to gallows, the minimum we can do is to take away their property, which they are amassing as a result of these nefarious activities. These people, trading in human blood and flesh, are going to go scot free and have all the pretensions and all the trappings of an important man that is ruining the socio-economic structure of his country. Therefore, my submission is that I fully support this Bill, because this marks a begining... (*Interruptions*)

SOME HON. MEMBER: Double standard.

SHRI N. K. P. SALVE: Double standard is by those who are not willing, in reality, to support it, but they are wanting to dilute it with the help of the amendments I have not liked those amendments at all.

MR. DEPUTY-SPEAKER: Please do not get into a controversy.

SHRI N. K. P. SALVE: My submission, therefore, is that let the Minister while replying on the debate, come out very frankly and submit that whatever objectives she has in mind, they will certainly not be achived by this legislation, which is extremely, feable, week and inadequate.

MR. DEPUTY-SPEAKER: Before the Minister replies, I would advise him not to fall into the trap of taxation experts like Mr. Salve, because the scope of the third reading is confined to either speaking in support of the Bill or rejecting the Bill and nothing else. Nothing new can be brought in at this stage.

श्री मूलचन्द डागा (पाली) : उपाध्यक्ष महोदय, एक बात तो मैं यह कहना चाहता हूं कि आप ने कोर्ट्स के दरवाजे क्यो बंद कर दिए ?

श्री बापूराव अहिरवार (टीकम गढ): तो वकील क्या करेंगे ?

श्री मूलचंद डागा : वकीलो का सवाल नही है । अगर किसी की प्रापर्टी है, उस ने सिविल कोर्ट में दावा कर दिया और वह स्टे आर्डर लाना चाहता है तो आप क्यो चाहते हैं कि सारे कोर्ट्स के दरवाजे बन्द कर दिए जाये ? यह आप का क्लाज 14 है जिस के बारे मे मै कहना चाहता था ।

दूसरी बात यह है कि तस्करो के पास मवेबल प्रापर्टी है, उस के पास खाने के बर्तन हैं, कपडे है । तो आप 20 साल पहले की या 25 साल पहले की प्रापर्टी जब्त करेंगे । मैंने पहले भी नोटिस दी थी सेक्शन 2 मे कि कौन सी मूवेबल प्रापर्टी आप अटैच करना चाहते हैं, उस की डेफिनीशन क्या है ? सिविल प्रोसीजर मे कुछ प्राविजन्स हैं ?

MR. DEPUTY-SPEAKER The hon. Member may conclude now.

SHRI M. C. DAGA: Kindly try to give me some time.

MR. DEPUTY-SPEAKER: Your Whip does not give you time.

SHRI M. C. DAGA: That is not the way. One minute is not over.

आप मेरी एक बात सुनिये । संयुक्त के कलाजेज के अन्दर इस बात का जिक्र नही है कि आप कौन सी प्रापर्टी को स्टेच करना चाहते है और उसकी टाइम लिमिट क्या है । और किसी के पास 40 साल पहले या 50 साल पहले की कोई प्रापर्टी है तो क्या उस को भी स्टैच किया जायगा । जो प्रापर्टी काम मे आती है, जिस का छोड़ा जाता है, क्या उसका भी लिया जाएगा, क्योंकि तस्कर के पास दूसरी सम्पत्ति नही होती है, उस का शरीर भी तस्करी सम्पत्ति पर बना होता है, क्या उसके कपडे वगैर सब कुछ लिए जायेंगे ।

SHRI PRANAB KUMAR MUKHERJEE. Sir, Mr. Ram Avtar Shastri has mentioned a particular case and, if he presses on the information about that man, I will look into it. Except that I cannot say anything.

Regarding Mr Salve's point, as you have directed me, I need not reply to that

As to why we have brought these provisions to take away the jurisdiction of the courts, in my reply to the amendment I have already touched that point I would just like to point out that though we have taken away the jurisdiction of the civil courts, the constitutional rights are there, Nobody can prevent them from exercising these rights. It is only to finalise the cases expeditiously and to see that courts do not delay the whole procedure that we do not want the interference of the courts. Therefore, we want to take away the jurisdiction of the courts

In regard to whether whole property of the smugglers should be confiscated, I have already replied in reference to one amendment about 50 per cent, the penalty and all that.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed.

The motion was adopted

15.43 hrs.

DELHI LAND HOLDINGS (CEILING) AMENDMENT BILL

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND IRRIGATION (SHRI ANNASAHEB P. SHINDE): Mr. Deputy-Speaker, Sir, I beg to move:

> "That the Bill further to amend the Delhi Land Holdings (Ceiling) Act, 1960, be taken into consideration."

As the House is aware, the Government of India has drawn up a set of guidelines on land ceiling on the basis of the recommendations of the Chief Ministers' Conference on ceiling on agricultural holdings. Almost all the States of the country have either amended their existing legislation on land ceiling or enacted a fresh one in the light of these guidelines In order to bring the Delhi Land Holdings (Ceiling) Act, 1960 in accord with the said guidelines, it was considered necessary to reduce the ceiling limit, to withdraw some of the exemptions and to revise the amount payable for the excess lands which are to vest in the Government. In view of the decision of the Government to expeditiously implement the 20-point economic programme, the matter has assumed great urgency and since Parliament was not in session, the President promulgated on 8th December, 1975, the Delhi Land Holdings (Ceiling) Amendment Ordinance, 1975. The present Bill seeks to replace the Ordinance.

The main provisions of the Bill are as follows:—

1. **Level of Ceiling:** As against the existing ceiling of 30 standard acres (24 to 60 ordinary acres) for a family, the proposed level ranges between 5.8 hectares (14.4 acres) and 21.8 hectares (54 acres) depending upon the class of land.

(a) (i) 5.8 hectares, in case of land which is assured of irrigation from a government source of irrigation and is capable of yielding at least 2 crops in a year; or

(ii) 7.25 hectares, in case of land which is assured of irrigation from a private source of irrigation and is capable of yielding at least 2 crops in a year; or

(b) (i) 8.7 hectares, in case of land which is assured of irrigation from a government source of irrigation and is capable of yielding at least one crop in a year; or

(ii) 10.9 hectares, in case of land which is assured of irrigation from a private source of irrigation and is capable of yielding at least one crop in a year; or

(c) 21.8 hectares in case of any other land including an orchard.

15.45 hrs.

[MR. SPEAKER *in the Chair*]

In the case of families having more members than five, the ceiling will be raised by 1/5th of the family ceiling for each additional member subject to an overall limit of twice the ceiling limit.

The tenure holder is entitled to retain in addition, an extent of area not exceeding the ceiling limit for each of his major sons.

2. **Exemptions:** Sir, as the House is aware, the existing ceiling legislation in the Union Territory of Delhi exempts from its operation a compact block of land which is used as an orchard from before 10th February, 1959, or is being used as a farm in which heavy investment or permanent structural improvements have been made and any specialised farm which is being used for cattle bread-

[Shri Annasaheb P. Shinde]

ing, dairy or wool raising. These exemptions are being withdrawn. The only exemptions that will now be permitted are:—

(a) the areas held on 24-1-1971 by any *goshala* established for a charitable purpose without any motive for profit and registered as a Society under the Societies Registration Act, 1860;

(b) the areas comprising a stud farm on 24-1-1971;

(c) the areas belonging to any agricultural cooperative land mortgage bank, State or Central Cooperative bank or any other bank.

3. **Disregarding transfers other than bonafide sales:** All transfers other than a bonafide sale under a registered deed for valuable consideration effected on or after the 24th January, 1971 shall be disregarded for computing the excess land. Where any transfer has taken place, the excess land will be selected out of the land left with the transferor and the balance, if any, from the land held by the transferee in proportion to the land transferred to him.

4. **Amount payable for acquisition of excess land:** Under the existing Act the amount payable for acquisition of excess land is 20 times the net income plus market value for any structures or buildings including wells, tubewells etc. After the proposed amendment the amount for the excess land will be payable on a graduated slab basis ranging between Rs. 5000 and Rs. 1000 per hectare plus 50 per cent of the market value of the structures or buildings including wells and tubewells etc., if any, on the excess land.

5. **Distribution of excess land:** The excess land vested in the Government (other than land reserved for the village community or for any work of public utility) will be allotted to the prescribed category of persons, preferably to landless agricultural workers, particularly those belonging to the Scheduled Castes and Scheduled Tribes.

These are the broad features of the Bill and this House had occasion in the past to discuss the broad principles and also the national guidelines issued by the various State Governments. I therefore do not want to take up more time of the Hon'ble House. I hope all sides of the Hon'ble House will support this Bill, the principles of which had been well supported by all sections of the House in the past.

MR. SPEAKER: Motion moved:

"That the Bill further to amend the Delhi Land Holdings (Ceiling) Act, 1960, be taken into consideration."

*SHRI KRISHNA CHANDRA HALDER (Ausgram): Mr. Speaker, Sir, we are discussing the Delhi land Holdings (Ceiling) Amendment Bill, 1976. My party, the CPI(M) have always supported all measures towards effecting land reforms in the country. We have been struggling and agitating in this House and outside for proper land reform whereby the landless labourers and other weaker sections may get ownership of land. Unfortunately, in many States where the Congress Government have tried to effect land reforms the landlords have been able to escape through *benami* transfers of their land. Thus the real objective of such reforms have been thwarted. Even in places where surplus land has been taken over

*The original speech was delivered in Bengali.

by the Government that land has not been properly distributed among the deserving people. The Bill presently under discussion is confined to the Union Territory of Delhi. It is seen that the ceiling of 30 standard acres in the principal Act is sought to be changed into varrous ceilings of different types of land. 7.25 hectares have been fixed in case of land which is assured of irrigation from a private source and can yield two crops in a year, 5.8 hectares have been fixed for the land having assured irrigation facilities from a Government source and is capable of yielding two crops in a year, and 21 8 hectares have been fixed in the case of any other land including an orchard. Sir, Delhi is the capital of our country For effective implementation of the 20-point programme we should have a ceiling on urban property here which will be more relevant Delhi is mostly urbanised and therefore a ceiling on urban property is more important here. There are many moneyed people owning 7 or 8 houses and many building plots. Unless a ceiling is fixed for urban property the objective behind this Bill is likely to be defeated The Government should come forward at the earliest with a Bill for putting a ceiling on property in Delhi. The rich landlords who knew that this Bill was coming for enactment have already transferred major portion of their excess land to *benami* transactions. All such transactions must be unearthed so that this legislation may be meaningful.

Sir, I suggest that in Section 3 the ceiling in case of the land having assured irrigation facilities should be reduced to 4 hectares and in the case of orchard and other types of land the maximum limit should be 8 hectares. The Government has stated that after the present enactment is made 600 hectares of land would be available as surplus land. If my suggestion is accepted by the Government then the quantum of surplus land would be much higher than estimated. In the Bill payment of compensation has been provided for the excess land taken over by the Government Here I will suggest that in the case of absentee landlord and those having other sources of income, no compensation should be paid for the surplus land Moreover the surplus land available, should be distributed to the Scheduled Castes and Scheduled Tribes, the landless labourers and other backward and weaker sections The distribution of the land should be entrusted to an elected committee who should act impartially and without prejudice to the weaker sections In many places we have seen that even after land reforms were effected the landlords and the richer classes continued to have effective control of their excess land as they had a firm hold and influence on the Government authorities and the village communities They manipulated their holdings through *benami* trancfers in the name of their living and dead relatives as well as in the names of their servants, etc. Thus the very objective of the land reform were nullified. The landless labourers and the backward classes failed to gain the cherished ownership of land.

In the end I will say that the holders of black money who were in possession of vast surplus land have already transferred their holdings to escape the ceiling Act. They have also invested heavily in urban buildings, etc. It is therefore very necessary to fix a ceiling to urban property if their activities are to be curbed. The Government should bring a Bill to put a ceiling to urban property at the earliest so that the real objectives may be fulfilled.

16 hrs.

श्री अर्जुन भूषण (दक्षिण दिल्ली) : यह जो विधेयक भूमि की अधिकतम सीमा के सम्बन्ध में यहां रखा गया है, इसका मैं स्वागत करता हूं । यह बात सही है कि दिल्ली में अब शहरी

[श्री मलिक मुजफ्फर]

सम्पत्ति के नियंत्रण के सिलसिले में सरकार एक विधेयक लाने वाली है। दिल्ली में काफी उद्योगपति हैं जिन्होंने बहुत बड़ी तादाद में जमीनें अपने अधिकार में ले रखी हैं और उन में बाग लगा रखे हैं, फार्म हाउसिस बना रखे हैं इन जमीनों के दाम धीरे धीरे बढ़ने वाले हैं। आज से दस साल बाद दिल्ली की आबादी तकरीबन पन्द्रह लाख और बढ़ जाएगी। इन्हीं बागों को तब वे बड़ा कीमत में सरकार को बेचेंगे। पहले जब जमीनों पर किसी तरह का टैक्स नहीं लगा था उस वक्त ये अपने ब्लैक मनी को व्हाइट मनी में कनवर्ट करने के लिए उसका प्रयोग करते थे। लेकिन आज वे समझते हैं कि इधर इनवैस्टमेंट नहीं करते हैं, वह चीज आज नहीं है। आज वे इस दृष्टि से कुछ अर्से के बाद इसकी कीमतें बहुत हो जाएंगी। जिस आदमी के पास अपना रोजगार है, इंडस्ट्री है या कहीं सरकार में वह काम करता है, या कोई दूसरा साधन है, मैं समझता हूं कि उसको इस प्रकार का बाग और फार्म रखने का हक नहीं होना चाहिए और इस तरह की जमीनों को सरकार को ले लेना चाहिए।

आज आप हरिजनों, लैंडलेस लेबर के नाम पर तथा उनको जमीनें देने के लिए इन जमीनों को ले रहे हैं। मैं चाहता हूं कि जिन के पास बहुत कुछ है उन से भी आपको ले लेनी चाहिए न कि छोटे छोटे किसानों से ही जिन के पास एक या दो एकड़ या कुछ ज्यादा या कम है, उनको ही ले कर आप इनको दें। इससे आपका काम नहीं बनेगा।

दिल्ली के भावी विकास को देखते हुए मैं समझता हूं कि काफी जमीन ऐसी है जो सरकार के हाथ में है। जैसे पूसा इंस्टीट्यूट है। सैकड़ों हैक्टर जमीन उस में है। वह शहर के बीच में है। इसको आप कहीं दूर एक किनारे पर ले जाएं और उस जमीन की आपको करोड़ों रुपया कीमत मिल सकती है, जो लोगों को बसाने के काम में आ सकती है। शहर के बीच में ही यह बहुत बड़ी इंस्टीट्यूट है। इसी तरह आपने देखा होगा कि दुनिया भर में जो कंटोनमेंट्स होते हैं वे शहर के किनारे पर होते हैं, शहर की रक्षा के लिए होते हैं। लेकिन यहां इत्तिफाक की बात है कि कंटोनमेंट शहर के बीच में है। इसके आसपास शहर है। सुरक्षा तथा दूसरी दृष्टियों से वह जमीन भी सरकार ले सकती है और वहां आवास की व्यवस्था कर सकती है और उसको अगर बेचना चाहे तो करोड़ों रुपया उसकी इसको बेच कर मिल सकती है। अब दिल्ली का विकास होना है तो मैं समझता हूं कि आज हरिजनों को जमीन दे दें और पांच साल के बाद फिर उन से वापिस लेनी पड़े इससे अच्छा यह है कि हरिजनों को, लैंडलेस लेबर को आप छोटे छोटे कारखाने लगा दें, उनके लिए दूसरी व्यवस्था कर दें। दिल्ली की जो आर्थिक व्यवस्था है वह दूसरे बड़े राज्यों जैसे मध्य प्रदेश, उत्तर प्रदेश या बिहार से भिन्न है। उन से उसकी तुलना नहीं की जा सकती है। दिल्ली के पास वैसे ही जमीन कम है। इस बिल का स्वागत करते हुए मैं चाहता हूं कि जब शहरी सम्पत्ति पर नियंत्रण हो रहा है, जब कंटोनमेंट बाहर ले जाना हो, नया एयरोड्रोम बनाना हो, पूसा इंस्टीट्यूट को बाहर ले जाना हो और इस सब को आपने किया तो करोड़ों रुपया आपको इससे मिल सकता है जिससे आप गरीब लोगों के लिए आवास की व्यवस्था करने की ओर बढ़ सकते हैं। दिल्ली की पूरी जमीन को सरकार को अपने हाथ में ले लेना चाहिए। किसानों को पूरा कम्पनसेशन देना चाहिए। किसानों के जो नौजवान बच्चे हैं उनको आपको किसी और काम से लगाना चाहिए। इसका कारण यह है कि दिल्ली के आसपास बहुत थोड़ी सी जमीन है, बहुत कम जमीन कल रहने वाली है। यह विधेयक बहुत अच्छा है। राष्ट्रीय अर्थव्यवस्था को ले कर बीस सूत्री कार्यक्रम को देखते हुए श्रीमती इंदिरा गांधी का जो प्रोग्राम है उसको देखते

हुए मैं इसे बिल को उस दिशा में एक सही कदम समझता हूं और इसका स्वागत करता हूं। लेकिन इसके साथ-साथ दिल्ली के भावी विकास से सम्बन्धित जो चीजें हैं उनको देखते हुए अगर और कम्प्रिहेंसिव बिल आप लाते तो बहुत अच्छा होता।

इन शब्दों के साथ मैं इस बिल का स्वागत करता हूं और चाहता हूं कि शहरी सम्पत्ति के नियंत्रण वाला बिल जब आप लाएं तो उस में इन सब चीजों का ध्यान रखें।

श्री मारकंडे राय (घोसी) अध्यक्ष महोदय, आप मुझ से सहमत होंगे कि पिछले 27-28 सालों में जिस विषय में कांग्रेस सरकार की सबसे बड़ी नाकामयाबी हुई है। वह है क्रांतिकारी भूमि सुधार का विषय। मैं समझता हूं कि स्वतन्त्रता प्राप्ति के दस वर्ष के अन्दर उग्र भूमि सुधार का काम पूरे देश में पूरा हो जाना चाहिए था। लेकिन दुर्भाग्य से 27-28 वर्ष के बाद भी यह काम हुआ नहीं है। और यह सिलसिला आज भी कच्छप गति से जारी है। हमारा पड़ौसी चीन है जिस के इतिहास का मैं थोड़ा बहुत जानता हूं वहां अधिक से अधिक पांच सात साल में इस काम को पूरा कर लिया गया था जबकि उसका क्षेत्र और देश दोनों हम से बड़ा है और बहुत सी चीजें उसकी हमारे देश से मिलती जुलती भी हैं। तथा वहां सत्ता परिवर्तन हम से दो वर्ष बाद 1949 में हुआ था।

अध्यक्ष महोदय, हमारे देश में पांच तरह के लोग रहे हैं और आज भी हैं जिन के पास बहुत ज्यादा जमीनें हैं, जो जमीन चोर हैं। कुछ बड़े पूंजीपति, कुछ पुराने राजे महाराजे, कुछ बड़े सामन्त लोग, कुछ बड़े हाकिम चाहे मिलिटरी के हों या पुलिस के हों या प्रशासकीय क्षेत्रों में हों और कुछ बड़े राजनीतिक नेता। ये लोग कमोबेश सारे देश में बिखरे हुए हैं। उन्होंने अपनी सत्ता का, अपने पद का, अपने प्रभाव का दुरुपयोग करके सभी प्रदेशों में हदबंदी कानूनों को बाईपास करके जमीनें अपने पास चुरा रखी हैं कहीं कोआपरेटिव फार्म्स के नाम पर, कहीं मैकेनाइज्ड फार्म्स के नाम पर। जितने कानूनों में छिद्र उनको दिखाई पड़े या जो छिद्र रखे हुए थे उन सभी का उन्होंने इस्तेमाल किया और जमीन चुरा कर बचा कर अपने पास रख ली। अध्यक्ष महोदय, आप भी प्रमुख राष्ट्रीय नेता हैं और स्वतन्त्रता संग्राम के सेनानी रहे हैं और आपको तो सब बातों की मुझसे कम नहीं ज्यादा ही जानकारी है। गरीबी अगर कम करनी थी, दूर नहीं, कम करनी है तो उसका सब से आसान नुस्खा यह था कि जमीन के बटवारे की व्यवस्था कर दी जाती। एक आदमी जो बेजमीन है उसे अगर पांच एकड़ जमीन मिल जाए, और उसके वास्ते कुछ साधन मिल जाए तो एक फसल के बाद वह अपनी रोटी दाल का ठिकाना खुद कर सकता है चाहे वह हरिजन हो, आदिवासी हो या गिरिजन हो या दूसरे प्रकार का भूमिहीन हो। लेकिन इसका आज तक किया नहीं जा सका।

अध्यक्ष महोदय, बीस सूत्री कार्यक्रम की घोषणा के बाद एक बार फिर एक लहर आई है इस काम को करने की। लेकिन सन्देह ही होता है कि यह काम हो सकेगा। ऐसी लहरें पहले भी आई है। एक अविश्वास का वातावरण-फियो के कारण पैदा हो गया है। आजादी में जब समाजवाद की बात की गई सब यही कहा गया, नरोरा टाइप प्रोग्राम बना तब भी यही कहा गया। समय-समय पर नारे दिए गए हैं इसके सम्बन्ध में। कहीं ऐसा न हो कि इस नारे की भी वही गति हो। इसका सन्देह मुझे ही नहीं आम जनता को भी है। मैं इस वास्ते चाहता हूं कि सरकार पूरी तन्मयता और ईमानदारी और सिंसेरिटी के साथ इस काम को करे। तभी एक स्थायी नया विश्वास पैदा होगा।

[श्री सरदार राम]

इस बिल की मूल भावना का कौन विरोध करेगा ? इसका मैं समर्थन करता हूं । इस में हदबन्दी की जो सीमा है उसको घटाया गया है, यह प्रशंसनीय है । लेकिन जो आखिरी मुद्दा है 21·8 हैक्टर वाला इस में मंत्री महोदय ने या सरकार ने छिद्र छोड दिया है । इसी रास्ते से हो कर चोर भागेंगे, साफ निकल जाएंगे, जमीन ले कर चले जायेंगे और सरकार की जो कामना है, उसकी जो घोषणा है । छः सौ हैक्टर पाने की वह पूरी नहीं होगी । इसका कारण यह है कि उत्तर प्रदेश का मुझे अनुभव है । मैं वहां सौलह साल तक असेम्बली में रहा । मुझे अच्छ तरह से मालूम है कि सरकार ने पहले जब सीलिंग एक्ट पास करवाया तो जितनी उसने कहा कि उसको भूमि मिलेगी उसका दसवां हिस्सा भी भूमि उसको नहीं मिली । दूसरी बार जब सीलिंग एक्ट आया तब भी घोषणा का पांचवां हिस्सा तक आपको नहीं मिल सका । लोगो ने बच निकलने के रास्ते निकाल लिए । इस मे भी आपने 21·8 वाला जो मुद्दा है और जिस मे आपने कहा है अदर लैंड इनक्लयूडिंग आर्चर्डज इस मे काफी जमीन निकल जाएगी और छ सौ हैक्टर भी सरकार को नहीं मिलेगी ।

इस तरह पीस मील ढंग से, टुकडों में कानून लाने से यह शक पैदा होता है कि शहरी सम्पत्ति की हदबन्दी की जो बात बरसों से कांग्रेस शासन और कांग्रेस पार्टी के द्वारा कही जा रही है—जब से मैं इस सदन में आया हूं, यह चर्चा होती रही है कि अगले सत्र मे इस आशय का बिल लाया जायेगा, लेकिन वह अभी तक नहीं लाया जा सका है, कारण जो कुछ भी रहे हों—, कहीं उस को बाई-पास करने के लिए तो इस तरह से कानून नहीं लाये जाते हैं । मैं चाहूंगा कि सरकार इस बारे में स्पष्टीकरण करे ।

पास होकर वह बहुत शिकायत की बात है कि जिन भूमिहीनों को जमीन दी जाती है, भले ही वे किसी भी प्रकार के भूमिहीन हों—आदिवासी हों, गिरिजन हों या हरिजन हों, उन के हाथ से बहुत जमीन निकल जाती है । मैं उत्तर प्रदेश से आता हूं । उत्तर प्रदेश के उत्तरांचल में, नेपाल की सरहद पर नैनीताल से ले कर देवरिया तक, बहुत से लोगों को जमीन दी गई । इस तरह की शिकायतें मिली हैं कि वे लोग अपनी जमीनें बेच बेच कर भाग गये । अगर भूमिहीनो को यह जमीन बेचने का अधिकार रहेगा, तो वे बडी आसानी से जमीन बेच सकते है, और बड़े पैसे वाले उस को खरीद सकते है । इस बात की व्यवस्था होनी चाहिए कि वे लोग जमीन न बेचने पाये और उन के हाथ से जमीन न जाने पाये, वर्ना हम तो यह सोच कर सतोष करेंगे कि इतने लोगों को जमीन बांटी गई है, लेकिन उन के पास वह जमीन न रहे और बडे पैसे वाले उस को खरीद ले ।

जमीन के बटवारे के सम्बन्ध में मेरा सुझाव है कि इसके लिए एक सर्वदलीय समिति बननी चाहिए । ऐसे तमाम दलों की एक कमेटी बननी चाहिए, जो मान्यता-प्राप्त हैं, और जिन का भूमि-सुधार मे विश्वास है । जिन दलों का भूमि-सुधार के सिद्धांत में विश्वास न हो, उन को मैं अपवादस्वरूप इस समिति में शामिल नहीं करना चाहता हूं । लेकिन जिन दलो ने भूमि-सुधार के सिद्धांत मे विश्वास कर के इस के लिए अपने अपने दायरे में और अपने अपने तरीके से, संघर्ष किया है, उन की एक कमेटी बननी चाहिए और सरकारी अफसर तथा कर्मचारी उस कमेटी की देख-रेख में जमीन का बंटवारा करें । इस से भ्रष्टाचार और गड़बड़ी कम होगी और पात्र व्यक्तियों को जमीन मिलेगी ।

सरकार की ओर से कहा गया है कि इस कानून को कार्यान्वित करने के लिए

कोई अत्याचार नहीं पड़ेगा, क्योंकि जिन लोगों को जमीन दी जाएगी, उन से रुपया वसूल किया जावेगा। इस सम्बन्ध में पंद्रह लाख रुपये की रकम बताई गई है। यह बहुत थोड़ी बात है कि जिन को सरकार जमीन दे रही है, उन से पैसा लिया जाये और मुआवजे की शक्ल में जमीन के मालिकों को दिया जाये। मैं इस सिद्धांत का हामी हूं कि मुआवजा नहीं देना चाहिए। लेकिन अगर देना है, तो सरकार अपने पास से दे। जिन गरीबों और दरिद्रों की सदियों से यह आकांक्षा रही है कि ऐसा दिन आये, जब कि वे एक टुकड़ा जमीन के मालिक हों, उन से पैसा लेना उचित नहीं लगता है। इस लिए इस प्रावधान को निकाल देना चाहिए।

अगर सरकार मुआवजा देना ही तय करे, और हमारे इस सुझाव को न माने, तो उस मुआवजे का रेट नामिनल ,नाम मात्र का, होना चाहिए, ताकि संविधान की धाराओं का उल्लंघन न हो। इस बिल में जो रेट दिये गये हैं, वे बहुत ज्यादा हैं।

इन शब्दों के साथ मैं इस बिल की भूल आवश्यकता का समर्थन करता हूं। मैं चाहता हूं जिन मुख्य बातों की ओर मैं ने मदन और सरकार का ध्यान आकृष्ट किया है, सरकार उन पर विचार करे। जो मुख्य काम अब तक हो जाना चाहिए था, मगर अभी तक नहीं हो पाया है, 20-सूत्री कार्यक्रम की हवा में उन को दृढ़ता से लागू कर देना चाहिए, ताकि जनता को फिर यह शिकायत न हो कि सरकार वायदे तो करती है, घोषणायें तो करती है, मगर उन पर अमल नहीं करती है।

श्री शिवनाथ सिंह (शुमुंनू) : अध्यक्ष महोदय, जैसा कि मंत्री महोदय ने बताया है, दिल्ली कृषि भूमि (सीलिंग) कानून देश भर में कृषि भूमि के सम्बन्ध में सीलिंग लागू करने का एक अंग है। सिद्धांतरूप में हम सब इस का स्वागत करते हैं। विभिन्न प्रदेश सरकारों ने इस बारे में कानून बना दिये हैं और उस के फलस्वरूप सीमा से अधिक बहुत सी जमीन लोगों में बांटने का सिलसिला शुरू हो रहा है। दिल्ली में भी इस कानून को लागू किया जा रहा है। दिल्ली के माननीय सदस्य ने अभी कहा है कि दिल्ली की स्थिति कुछ विशेष प्रकार की है, लेकिन दिल्ली की स्थिति विशेष प्रकार की होने के कारण यहां कृषि भूमि की सीलिंग का कानून लागू न किया जाये, यह उचित नहीं लगता है।

16.16 hrs.

[Shri C M Stephen *in the Chair*]

क्लाज 4 में बताया गया है कि एक परिवार के पास अलग अलग केटेगरी की कितनी जमीन रह सकती है जो जमीन सरकारी साधनों से सिंचित हो और जो दो फसलें पैदा कर सकती हो, उस की सीमा 5.8 हैक्टर रखी गई है। जिस जमीन से निजी साधनों से सिंचाई की व्यवस्था हो और जो दो फसलें दे सकती हो, उस की सीमा 7.25 हैक्टर रखी गई है। इसी प्रकार एक फसल पैदा करने वाली निजी साधनों से सिंचित और सरकारी साधनों से सिंचित जमीन के लिए क्रमशः 10.9 हैक्टर और 8.7 हैक्टर की सीमा निश्चित की गई है। अन्य प्रकार की जमीन के लिए 21.8 हैक्टर की सीमा रखी है।

इस बारे में सरकार ने जो फार्मूला तय किया है उस में निजी साधनों से सिंचित जमीन और सरकारी साधनों से सिंचित जमीन का रेशो कायम करते हुए न्याय नहीं किया गया है। नहर या ट्यूबवैल आदि सिंचाई के जो साधन सरकार देती है, उन के लिए किसान को बहुत कम खर्च करना पड़ता है। उस में और स्वयं अपने साधनों से सिंचाई करने में बहुत बड़ा फर्क होता है। इस बारे में सिद्धांत यह होना चाहिए था कि वाटर की इनटैन्सिती क्या है—किसी पर्टिकुलर लैंड

[श्री शिवनाथ सिंह]

में नहर या ट्यूबवैल द्वारा उपलब्ध पानी की कितनी इनटेन्सिटी है, 60 परसेंट है या 70 या 80 परसेंट है । अगर उस के हिसाब से इस का हैक्टरेज निश्चित किया जाता है तो वह एक रीजनेबल कैलकुलेशन होता, लेकिन ऐसा नहीं किया गया है । मैं नहीं जानता कि मंत्री महोदय ऐसा क्यों नहीं कर पाये हैं, लेकिन इरिगेटिड लैंड का हैक्टरेज हमेशा वाटर की इनटेन्सिटी के अनुसार तय होना चाहिए ।

नये रखे जाने वाले सेक्शन 3 के सब-सेक्शन 1(सी) में "ऐनी अदर लैंड, इनक्लूडिंग एन आर्चर्ड" के लिए 21.8 हैक्टर की सीमा रखी गई है । दिल्ली के आस-पास बड़े-बड़े पैसे वालों ने इनकम टैक्स से बचने के लिए अपने बागीचे कायम किये हैं । उन के पास लम्बी-चौड़ी जमीन है । वे बागीचे बिना सिंचाई के कायम नहीं ही सकते हैं । सरकार उन लोगों को तो 21 हैक्टर दे रही है, जब कि जो किसान अपने खेत में गेहूं, चावल, शूगरकेन या आलू पैदा करता है, उस के लिए सरकार ने 5, 7 या 10 एकड़ हैक्टर की सीमा रखी है । सरकार ने आर्चर्ड को इतनी छूट क्यों दी है ? यह कहा जाता है कि उन लोगों ने उन आर्चर्डस में बहुत बड़ा इनवेस्टमेंट किया है । लेकिन हमें यह भी याद रखना चाहिए कि वे लोग उन आर्चर्डज से कई गुना फायदा भी उठा चुके हैं । इस के बावजूद सरकार उन को इतनी ज्यादा छूट दे, इस के प्रति मेरा सख्त विरोध है । इस के अतिरिक्त उन लोगों ने अपने श्रम से काम नहीं किया है । इस लिए उन को इतनी छूट नहीं देनी चाहिए । उन के लिए मिनिमम लैंड छोड़नी चाहिए ।

इस बिल में एक्सेस लैंड को लेने का जो प्रावधान किया गया है, उन में कहा गया है कि अगर लैंडहोल्डर या जमीन के मालिक ने किसी दूसरे आदमी को जमीन ट्रांसफर कर दी हो, तो सीलिंग का जितना एरिया होगा उन से अधिक ले लिया जायेगा । यह बहुत सही बात है । लेकिन एसे भी केसिज हो सकते हैं कि जमीन किसी लैंडलेस व्यक्ति को ट्रांफसर कर दी गई हो । सीलिंग कानून का सिद्धांत यह है कि लैंडलैस लोगों को जमीन दी जाये । अगर किसी व्यक्ति ने किसी लैंडलेस को जमीन ट्रांसफर कर दी हो, तो इन कानून के मुताबिक वह जमीन चाहे जितनी भी हो, चाहे वह सीलिंग एरिया से कम हो, उस को वापस ले लिया जायेगा, हालांकि उस जमीन को फिर उन्हीं लैंडलैस लोगों को डिस्ट्रिब्यूट किया जाना है । अगर किसी बड़े काश्तकार ने शिड्यूल्ड कास्ट्स शिडयूल्ड ट्राइब्ज या मार्जिलन फार्मर्ज आदि वर्गों के किसी व्यक्ति को लैंड ट्रांसफर कर दी हो, जिन की जमीन देने के लिए सरकार यह सीलिंग कानून बना रही है, तो वह जमीन उस से वापस नहीं लेनी चाहिए, और सीलिंग लिमिट की जमीन उस के पास रहने देनी चाहिए ।

क्योंकि आप उन से जमीन लेंगे, जागीरदार को मुआवजा देंगे, उन लोगों से फिर मुआवजे की रकम ले कर दोबारा उनको एलाट करेंगे । इसलिए जहां भी इस तरह के सीलिंग लाज बने हैं, उन में इस बात का ख्याल रखा गया है कि इस कटेगरो के लोगों से जिन के पास जमीन ट्रांसफर हूई है । जो सीलिंग लिमिट से अधिक नहीं है और जो एलाटमेंट के एलिजिबल हैं, उन से सह जमीन वापस न लो जाए ।

जहां तक मुआवजे की रकम का प्रश्न है माननीय सदस्य अभी कह रहे थे कि मुआवजा ज्यादा है, कम करना चाहिए । मेरे ख्याल से दिल्ली के आस पास की जमीन का जिन लोगों को ज्ञान है वह यह कह सकते हैं कि काश्तकार को 5 हजार रुपये हैक्टर का मुआवजा जो रखा है वह अधिक नहीं है ।

वह सरकार ने रखा है किस आधार पर रखा है, मैं नहीं जानता लेकिन इस की अधिक नहीं कहा जा सकता । इस का मैं समर्थन करता हूं ।

इस अवसर का फायदा उठा कर मैं एक निवेदन यह करना चाहता हूं कि जमीन के ऊपर सीलिंग कायम हो चुकी हैं और देश के अन्दर मार्जिनल फार्मर या खेतिहर मजदूर जितने हैं उन सब ने इन कानून का स्वागत और समर्थन किया है । एक या दो आदमी जिनके पास हजारों बीघे जमीन रही होगी उनको इसका खटका हो सकता है लेकिन आम तौर पर सारे किसानों ने इस का समर्थन किया है । फिर यह सीलिंग कानून लागू होने के बाद उस जमीन में इम्प्रूवमेंट के लिए दूसरा प्रावधान करने जा रहे हैं, रूरल बैंक्स बनाने जा रहे हैं, उस का भी उन को फायदा होने जा रहा है । लेकिन आज देश के अन्दर खेती करने वालों के दिल में एक खटका है कि शहरों में जो इतनी बड़ी-बड़ी सम्पत्ति है, मकान है, जमीन है, बड़े बड़े प्लाट्स हैं, उन पर सीलिंग कब कायम करेंगे ? मैं निवेदन करूंगा कि इस के लिए भी सरकार कदम उठाए और वास्तविक सीलिंग इन पर भी कायम हो । एक काश्तकार के पास अगर सौ एकड़ भी जमीन थी तो उस सौ एकड़ की कुल कीमत का बम्बई या कलकत्ते में एक छोटा सा प्लाट हो सकता है । इसलिए शहरी सम्पत्ति पर जब तक सीलिंग कायम नहीं करेंगे तब तक हमारा समाजवाद का सपना साकार नहीं होगा ।

दूसरी बात—देश के अन्य प्रदेशों में भी सीलिंग में जमीन ली गई है और वह प्लाट हुई है । लेकिन एलाटिंग एथारिटी इस तरह की थी कि वह गरीबों के लिए सिम्पेथेटिकली नहीं थी । नतीजा यह है कि उन लोगों को कागज पर जमीन दे दी गई है, वास्तविक कब्जा उन को नहीं मिला है । इस लिए जो जमीन लें उस का एलाटमेंट हो तो वह वाजिब आदमियों को हो और उस जमीन का कब्जा उन को मिल जाय तो यह कदम सार्थक होगा । इन शब्दों के साथ मैं इस बिल का समर्थन करता हूं ।

SHRI ANNASAHEB P. SHINDE: Sir, I am thankful to the hon. Members for generally supporting the provisions of the Bill. The general principles on which this Bill is based if I may say so, have been accepted by all State Governments. In Delhi also it should have come earlier but due to local difficulties they could not process and when the Parliament was not in Session this Ordinance had to be issued.

Mr. Halder, has raised a few points. One of the points he has raised is about ceiling on urban land. Many other hon. Members have also raised this point. As far as this aspect is concerned although it is not relevant to this Bill yet the Government's intention has been made known, namely, that the Government proposes to move a legislation to this effect in the current Session.

The other point which Mr. Halder has raised is about benami transactions' which have been made in Delhi. Sir, if the hon. Member is good enough to go into the provisions of the Bill he will find this Bill has given retrospective effect to the transfers and any transfer made after January 1971 which is in contravention of this provision will naturally be invalid

Another point which has been raised is regarding the categories. He has made the point that as far as irrigated land category is concerned it should be 4 hectares. Sir, in the guidelines which were issued to various State Governments we indicated three to four categories and as far as the double crop land is concerned we left it entirely to the discretion of the State Government as to what

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should be the maximum limit. It was expected that it would be anything between 10 and 18. For one crop land it was 27; if it was dry land it was 54 acres. The Delhi Administration has broadly approved this draft and in their discretion they have put categories which are well within the limits of national guidelines. I do not therefore think that it is a very valid point.

SHRI KRISHNA CHANDRA HALDER: What I said was that it was only for the Delhi Union Territory, not for the other States.

SHRI ANNASAHEB P. SHINDE: In the Delhi Union Territory, the limit is not one to which you could take any valid objection; the limit is not so high as to call for any objection.

SHRI M. RAM GOPAL REDDY (Nizamabad): Is it low?

SHRI ANNASAHEB P. SHINDE: It is slightly lower than in many of the States, the classification of land. The Delhi Administration has set a lower limit, not a higher limit. I do not think there is any valid point.

Several hon Members made a point about the orchard. A lot of thought was given to this particular aspect by the Chief Ministers who were consulted in this matter before the national guidelines were drawn. Orchards are mostly in compact areas and breaking them up would create a number of problems for the management of orchards, and not even one per cent of the country's land is under orchards and I do not think that basically this comes in the way of implementation of land ceiling Act.

SHRI M. RAM GOPAL REDDY: Stud farms were exempted.

SHRI ANNASAHEB P. SHINDE: This was also discussed when national guidelines were drawn up. There are some places where horse-breeding is taking place. Otherwise we have to depend upon import of horses. This is again a very small category and highly specialised and this does not come in the way of whatever excess land is available in the country.

SHRI BHAGWAT JHA AZAD (Bhagalpur): It is not a question of number; it is a question of principle. Because they belong to Maharajas? Moneyed people?

SHRI ANNASAHEB P. SHINDE: I do not think we should really bring in the names of individuals. We consulted the Chief Ministers at that time and there was broad agreement on this and therefore there were some exemptions Hon. Members can have honest and different views on them and I do not want to raise a dispute on this.

Another point that was made was about compensation. Shivanath Singhji rightly mentioned that anybody who knows the level of prices of land round about Delhi will not consider Rs. 5000 per hectare, Rs. 2,000 per acre to be on the high side. Round about Delhi the price of one acre of land is anything between Rs. 5000 and Rs. 10,000. Closer to Delhi it is much higher. Therefore the compensation of Rs 2,000 per acre, and for dry land it is about Rs. 400, I do not think, is on the high side. The provisions which have been made by the various state governments are in fact. Slightly on the higher side as compared to what this Bill provides.

Shri Jharkhande Rai raised the point that the implementation of land reforms had been slow. I am inclined to agree with him. I do not think that we can straightaway rush to compare China with India. After all dictatorial regimes had some advantages in this respect. We were trying to implement land ceiling laws

through democratic processes by putting laws before Parliament..... ... (*Interruptions*).

The hon. Member are aware that land is a State subject under our Constitution. A whole lot of legislation has been enacted during the last 25 years. If I may say so, has been mentioned on the floor of the House in the past, if there is any country in the world in which land reforms have been enacted through democratic process, I think, India can be legitimately proud of it. But do not rush up to conclusions. If you look to the situation in 1965-66 2/3 of the landscape was dominated by Rajahs, Maharajahs, Zamindars and land-lords. Now, in this country, there have been people who have taken advantage of it by misusing certain positions, perhaps in certain areas. But by and large I think there is so much of seriousness about land reforms in the country. Now, as far as the implementation of the land reform is concerned, Shri Jharkhande Rai himself has said that in U P there was never such an atmosphere as there is now for implementation of land reforms. It is not only found in U.P. but all over the country. Therefore, if any conclusion is to be drawn, if any democratic system is to be followed then despite many limitations, the subject being under State subject and all that, a general awareness has to be created, and the general pressure that has been developed as a result of popular movement has to be sustained. I think there is seriousness about implementation of these laws now to possess land in India, between 10 to 54 acres, I do not think it is really a matter to which objection can be raised. In fact, when the general recommendations were made by the Agriculture Commission of which one of leading Members of this House was the Chairman and Shri Z. A. Ahmed was one of the members. He belongs to the party of Shri Jharkhande Rai. Those recommendations were broadly similar or just on par with the national guidelines. Therefore, I think, what has been done has been done in the very right direction. These land laws should be implemented by all the State Governments and I hope during the next few days necessary effective steps will be taken. Already processes are on. In a number of States surplus lands are being acquired and the lands are getting distributed to the weaker sections of the society, as has been mentioned in the general guidelines.

Then another important point which has been mentioned by Shri Jharkhande Rai is that some people are taking protection for owning lands under the category of mechanised farms, co-operative farms, etc. Now, if Shri Jharkhande Rai closely looks into the guidelines he will find that if somebody owns land in the co-operative society, he is not exempted because his holding in the cooperative society will be taken into consideration to determine the individual holding. Therefore, if anybody is owning lands through the Co-operative society now, he will not be exempted. He is not going to get protection. That protection was there under the old law. All these exemptions for mechanised farms and co-operative farms were there under the old law. Now, under the new guidelines, these exemptions are not at all allowed. The fear expressed by the hon. Member was true under the old law but it is not true under the new laws, under the current piece of legislation which is being discussed on the floor of the House. Therefore, nobody will be in a position now to take protection under mechanised farm or co-operative farm or under the compact farm.

Shri Shiv Nath Singh has made another point regarding exemption for orchard He had raised a point whether orchard was desirable round about Delhi. As I said, when we had

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examined this point in depth, we found that there was very limited area under orchards and these orchards have special management. They would have caused a lot of harm to horticulture, if we would decide them to break etc. This matter was examined. The land under orchards was very limited except in U.P. and in a few other States. Therefore, in their wisdom, the Chief Ministers and other experts whom we consulted unanimously recommended that this will cause incalculable harm to horticulture in this country. So, it has been provided that the orchards will be treated as dry land, but nobody will be in a position to own more than 54 acres.

SHRI SHIVNATH SINGH: Orchards require irrigation How can you treat them as dry land?

SHRI ANNASAHEB P. SHINDE I do not say they are unirrigated. But for calculation purposes, they will be treated as dry land.

SHRI NATHU RAM MIRDHA (Nagaur): This country is the lowest in the production of horticultural products. If we go on decreasing the area, it will further go down. So, this is necessary in the interests of the nation.

SHRI BHAGWAT JHA AZAD: In spite of the able support given to the minister by Shri Mirdha, we are not convinced.

SHRI ANNASAHEB P. SHINDE. This is not peculiar to Delhi These are the broad principles accepted by all the State Governments.

SHRI BHAGWAT JHA AZAD: But Punjab has not exempted stud farms.

SHRI ANNASAHEB P SHINDE: We have left it to the discretion of the State Governments. This Bill has come here only because the Delhi Administration has no power to enact this. Otherwise the Delhi Administration itself would have done it.

Sir, I am glad that all sides of the House have given broad support to the important provisions of this Bill. There can be different views about small issues and we should not make much of it. I am thankful to the House of the generous support it has given. I assure the House that the Delhi Administration will do its level best to implement this law in all sincerity.

SHRI M. RAM GOPAL REDDY: In Andhra Pradesh, orchards are not exampted.

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Delhi Land Holdings (Ceiling) Act, 1960, be taken into considration."

The motion was adopted.

MR. CHAIRMAN: We shall take up clause-by-clause consideration.

Clause 2.

Clause 2—(*Amendment of section 1*)

SHRI RAMAVATAR SHASTRI (Patna): I beg to move:

page 1, *after* line 20, *insert*—

"Provided that public purpose shall not include the Housing Co-operative Societies formed by moneyed men Housing for earning huge amounts from rents of their palatial buildings;" (I)

सभापति जी, यह आपने सुना कि मोटे तौर पर इस विधेयक का समर्थन सदन के तमाम लोग कर रहे हैं फिर भी इसमें जो कुछ खामी या कमी दिखलाई पड़ रही है

उनमें से एक कमी की तरफ या खामी की तरफ मैं आपकी मार्फत सदन का ध्यान खींचना चाहता हूं ।

इस विधेयक की धारा (2) के खण्ड (सी) में लिखा हुआ है :

"Areas acquired under any law relating to the acquisition of land for a public purpose."

पब्लिक परपज इतना व्यापक शब्द है या व्यापक अर्थवाला शब्द है कि इसी में अन्धेर खाता चलता है। इस लिये मैं कहना चाहता हूं कि जनहित का नाम लेकर जो सही बात है वह तो जरूर करें, लेकिन जो गलत बात है उस को न कीजिये । आप ने जमीन तो ले ली—पब्लिक परपज के नाम पर, लेकिन बाद में देखने में आता है कि वह जमीन बड़े-बड़े धनी लोगों को कालोनी बनाने के नाम पर दे दी जाती है, वे लोग उस को ऊंचे दामों पर बेच देते है और रातों रात वह कालोनी खड़ी हो जाती है । अगर उस पर ऐतराज किया जाता है तो कह दिया जाता है कि यह पब्लिक परपज में है, ये लोग भी इस देश के निवासी है, इन को भी कहीं न कहीं रहने के लिये जगह चाहिये । इस तरह की बात हमारे पटना शहर में हो रही है, यहां भी ऐसा हो सकता है, इसी लिये मैं आप का ध्यान इस तरफ दिला रहा हूं । हमारे यहां पाटली पुत्र कालोनी बनी है—कैसे बनी ? किसानों से मिट्टी के भाव जमीनें ले ली गई और बड़े-बड़े धन्ना-सेठों को आप ने सस्ते दामों पर दे दिया। जब आवाज उठी तो कह दिया—पब्लिक परपज है । पब्लिक परपज का नाम लेकर हमारे मुंह बन्द कर दिये गये ।

इसीलिये मैं इस क्लाज को थोड़ा डिफाइन करना चाहता हूं । पब्लिक परपज का मतलब स्पष्ट होना चाहिये, ऐसे लोग उस से फायदा न उठा सकें, इस लिये मैंने यह संशोधन सदन के सामने प्रस्तुत किया है। मेरा संशोधन है—

क्लाज 2 के सब-क्लाज सी के बाद प्रावीजो जोड़ा जाय —

"Provided that public purpose shall not include the housing co-operative societies formed by moneyed men for earning huge amounts from rents of their palatial buildings."

सभापति जी, मंत्री महोदय को स्मरण होगा कि उन्हीं के मंत्रालय की तरफ से 1967–68 में एक जस्टिस मुल्ला कमेटी बनी थी —लैंड एक्वीजीशन एक्ट में क्या क्या संशोधन होना चाहिये ताकि मिस-यूज न हो, जमीन का ठीक से इस्तेमाल हो । सरकार को यदि जमीन की जरूरत है—देश के डिफेन्स के लिये, गरीबों को बसाने के लिये, वीकर सेक्शन के लोगों को बसाने के लिये, तो जमीन उन को मिल जाय । सरकारी कारखाना लगाने के लिये जमीन की जरूरत है तो जमीन उन को मिल जाय, लेकिन जो बड़े बड़े लोग हाउसिंग कोआपरेटिव बनाने के लिये जमीन ले लेते है उन को इजाजत नहीं होनी चाहिये । मुल्ला कमेटी तमाम हिन्दुस्तान में घूमी थी, पटना में भी गई थी, वहां हम लोगों ने उस के सामने बयान दिया था, ये तमाम बातें उन के सामने बतलाई गयी थी और जहां तक मुझे मालूम है उस कमेटी ने कुछ इस तरह के सुझाव भी दिये थे, लेकिन अफसोस की बात यह है कि मुल्ला कमेटी की रिपोर्ट का क्या हुआ—कुछ पता नहीं । सरकार अभी भी उस पर पल्थी मार कर, कुण्डली मार कर बैठी हुई है । आप इस तरह के बिल क्यों नहीं लाते जिन में पब्लिक परपज को डिफाइन किया गया हो ।

इसलिये, सभापति महोदय, मेरा संशोधन बहुत महत्वपूर्ण है—इस को अवश्य स्वीकार किया जाना चाहिये ।

SHRI ANNASAHEB P. SHINDE: I am thankful to the hon. Member for having given this suggestion. But I do not think his amendment has much relevance as far as this Bill is concerned. In fact, he can raise some of the issues when the Urban Land (Ceiling) Bill comes for discussion on the floor of this House. (*Interruptions*) I am coming to it. Why are you in a hurry? So far as Delhi is concerned, it is well known to all, and to the hon. Member himself, that Delhi is expanding very fast. Naturally, some land is being acquired for housing etc. DDA have drawn up broad principles which say that no individual, even if he is a member of a cooperative housing society, will be given more than 400 square yards of land under acquisition. There is no justification for the fear of the hon Member. It is not justified. It is not called for. I would request the hon. Member to withdraw the amendment.

SHRI RAMAVATAR SHASTRI: I am not withdrawing it.

MR. CHAIRMAN: I will now put amendment No. 1 to the vote of the House:

Amendment No. 1 was put and negatived.

MR. CHAIRMAN: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted

Clause 2 was added to the Bill

MR. CHAIRMAN: There is no amendment to clause 3. The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4—(*Substitution of new section for section 3.*)

MR. CHAIRMAN: We have amendment No. 2 to clause 4, by Shri Ramavatar Shastri. Is the hon. Member going to move it?

SHRI RAMAVATAR SHASTRI: Yes. This is a separate thing. According to the Minister, it fits in. I beg to move:

Page 3, line 26,—

for "21.8" *substitute* "14". (2)

MR. CHAIRMAN: There are amendments Nos. 3, 4 and 5 also, standing in the name of Mr. Dinen Bhattacharya, Mohammad Ismail and Mr. Biren Dutta They are not there. Now Mr. Ramavatar Shastri.

श्री रामावतार शास्त्री : सभापति जी, इस में सब-क्लाज में जो 21·8 हैक्टेयर्स की व्यवस्था की गई है, मेरा संशोधन है कि उस को कम कर के 14 हैक्टेयर किया जाय । हमारे सूबे में एक हैक्टेयर ढाई एकड के बराबर होता है, मैं समझता हूं कि यहां भी वैसा ही होगा, इस का अर्थ है कि आप 52–53 एकड भूमि लोगों को दे रहे है, जिस में आर्चर्ड भी शामिल है । जहां तक बाग-बगीचों का सम्बन्ध है, यह मालदारों का भी होता है और गरीबों का भी होता है, ज्यादा आमदनी देने वाला भी होता है और उस में कुछ भी नहीं मिलता है । लेकिन आप ने यहां पर कोई आर्ग्यूमेन्ट नहीं दिया कि आप ने इतना क्यों छोडा है । आप ने इस कानून में पांच किस्म की जमीन का बटवारा किया है, आम तौर से हर राज्य में चार-पांच किस्म की ही जमीनें रखी गई है, सरकारी सिंचाई की गैर सरकारी सिंचाई की, आदि—यह तो मोटी-मोटी ठीक है, लेकिन इस पार्टिकुलर क्लाज में मेरा ख्याल है आप ने ज्यादा रखा है और यह भी नहीं बताया है कि इतना ज्यादा क्यों रखा है ? इसी लिये मैंने सुझाव दिया है कि इस को 14 हैक्टेयर कर देने से लगभग

साढ़े-पैंतीस एकड़ जमीन फिर भी बच जायगी। पांच आदमियों के परिवार के लिये यह कम नही है और आज कल पाच आदमियो का परिवार स्टैण्डर्ड परिवार माना जाने लगा है। हर जगह लैंड सीलिंग एक्ट मे ऐसी ही व्यवस्था की गई है।

इस मे आप ने 'एनी अदर लैंड" भी रखा है, इस से ही सारी गड़बड होने का खतरा है। बाग-बगीचा तो ठीक है, लेकिन 'एनी अदर लैंड" रखने से सब मामला गोल हो जाता है। इस के नाम पर अच्छी लैंड भी जा सकती है, वहा बिलकुल सिचाई की व्यवस्था नही है, लेकिन जमीन बहुत अच्छी है, सिचाई होने पर बहुत लाभकारी सिद्ध हो सकती है—वह भी इस मे चली जायगी। इस लिये इस की सीमा को ज्यादा मत बढ़ाइये इसको कम ही रखा जाना चाहिये।

"Any other land" नही रहना तो यह खतरा नही रहना। "Any other land" हमारे राज्य मे बहुत है जहा सिचाई का, न सरकारी और न प्राइवेट कोई इन्तजाम नही है, लेकिन जमीन बहुत अच्छी है। अगर उस जमीन का पानी दे दिया जाय तो कई गुना फसल पैदा कर सकती है। तो "Any other land" मे यह भी शामिल होगा मेरे ख्याल मे। नही तो आप बताइये कि "Any other land" का क्या मतलब है? मुझे शक है कि "any other land" कह कर अच्छी किस्म की जमीन लोगो को दे दी जायगी। इसलिये मेरा कहना है कि 21 8 हैक्टेयर को कम कर के 14 हैक्टेयर कर दिया जाय, इस मे कोई सिद्धान्त आडे नही आता। आशा है सरकार मेरे संशोधन को स्वीकार करेगी।

SHRI ANNASAHEB P. SHINDE: I am sorry, the hon. Member is not in a position to appreciate this limit of 54 acres. This is a category which is totally unirrigated. In our tropical areas, if there is failure of rainfall. this is not a big area. Take the wheat crop sown with the moisture in the soil. Suppose the winter rains fail, a person will not get even one quintal. So far as orchard is concerned, in Delhi there is not even one per cent of land which is orchard. We should take into account the broad principle. I come from a drought-prone area. Our experience is that when relief operations are undertaken during the failure of monsoon, the members of families of even those owning 40 or 50 acres of land take advantage of the relief operations So, all these conditions have to be taken into account This is dry land with no assured irrigation whatsoever. The Delhi administration suggested this I do not think we should object to this. Shastriji is a knowledgable person.

SHRI RAMAVATAR SHASTRI: What do you mean by "any other land"?

SHRI ANNASAHEB P SHINDE: It means unirrigated land. I would make it clear that the land that would fall under this category would be either orchards or unirrigated land. Orchards would not be even one per cent

MR CHAIRMAN: I will now put amendment No. 2 to clause 4 to the vote.

Amendment No 2 was put and negatived.

MR CHAIRMAN: The question is:

"That clause 4 stand part of the Bill".

The motion was adopted.

Clause 4 was added to the Bill.

Clauses 5 to 7 were added to the Bill.

Clause 8 was added to the Bill.

Clauses 9 to 15 were added to the Bill.

MR. CHAIRMAN: The question is:

"That Clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI ANNASAHEB P. SHINDE: I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adoped.

16.56 hrs.

REGIONAL RURAL BANKS BILL

THE MINISTER OF STATE IN CHARGE OF THE DEPARTMENT OF REVENUE AND BANKING (SHRI PRANAB KUMAR MUKHERJEE): I beg to move*:

"That the Bill to provide for the incorporation, regulation and winding up of Regional Rural Banks with a view to developing the rural economy by providing, for the purpose of development of agriculture, trade, commerce, industry and other productive activities in the rural areas, credit and other facilities, particularly to the small and marginal farmers, agricultural labourers, artisans and small entrepreneurs, and for matters connected therewith and incidental thereto, be taken into consideration."

This Bill is intended to replace the Regional Rural Banks Ordinance, 1975. This Ordinance, as you are aware was promulgated on the 26th September 1975 in the context of the implementation of debt relief measures in the rural areas under the Twenty Point Socio-Economic Programme to enable the Government to set up Regional Rural Banks in the country with a view to developing the rural economy by providing credit and other facilities for the purpose of development of agriculture, trade, commerce, industry and other productive activities for the rural areas. These banks will also finance reorganised primary co-operative societies and farmers' service societies with universal membership.

The setting up of these banks in areas with adequate development potential but with inadequate institutional credit arrangemtnts, acquired great urgency and seven Regional Rural Banks have been established so far, the first five banks having been established on 2nd October, 1975.

SHRI SURENDRA MOHANTY (Kendrapara): Seven or five?

SHRI PRANAB KUMAR MUKHERJEE: Even today one is being established in Madhya Pradesh, and therefore it will be eight.

Subject to man-power constraints, the target is to establish 50 Regional Rural Banks before 1st April, 1977.

The reasons for issuing the Ordinance have already been explained in the Statement which has been laid on the Table of the House. So, I would not like to repeat them Now at this stage I would not like to dwell upon the philosophy of Rural Bank and credit problems in the rural areas. I would like to confine myself to some of the important provisions of the Bill at this stage.

The important provisions of the Bill are:

(1) Each Regional Bank shall have an authorised capital of Rs. 1 crore and a paid-up capital of Rs. 25 lakhs The share capital of each Regional Rural Bank is to be raised by the Government of India, the State Gov-

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*Moved with the recommendation of the President.

ernment concerned and the bank sponsoring a Regional Rural Bank in the ratio of 50:15:35 respectively.

(ii) The Sponsor Banks are entrusted with the duty of aiding and assisting the Regional Rural Banks not only by subscribing to the share capital of the Bank, but in the recruitment and training of the personnel during the first five years of the functioning of the Regional Rural Bank. The Sponsor Banks will also provide managerial and financial assistance to the Regional Rural Bank.

(iii) The Regional Rural Bank will confine its activities within the notified area generally comprising one or more districts

(iv) The Regional Rural Banks will extend loans, particularly to the small and marginal farmers, agricultural labourers, artisans, small entrepreneurs and persons of small means engaged in trade, commerce or industry or other productive activities in the rural area. They will also grant loans and advances to various types of co-operative societies including Farmers' Service Societies.

(v) The Board of Directors of a Regional Rural Bank shall consist of not more than nine directors

(vi) The Chairman of the Regional Rural Bank who will devote his whole time to the services of the bank will be appointed by the Central Government.

(vii) The remuneration of officers and employees of the Regional Rural Bank will be determined by the Central Government, having due regard to the salary structure of comparable level and status of officers and employees of the State Government.

(viii) After consultation with the Reserve Bank and the Sponsor Bank, the Central Government may make rules for carrying out the provisions of the Regional Rural Banks.

(ix) After consultation with the Sponsor Bank and the Reserve Bank, the Board of Directors of the Regional Rural Bank may, with the previous sanction of the Central Government, make regulations for the purpose of giving effect to the provisions of the Act.

17 hrs.

The deposits of the Regional Rural Banks will be covered by the provisions of the Deposit Insurance Corporation Act, 1961.

Consequential amendments to the Reserve Bank of India Act, 1934, the Banking Regulation Act, 1949, the Deposit Insurance Corporation Act, 1961 and the Banking Companies (Legal Practitioners' Clients'Accounts) Act, 1949 have been incorporated in the Bill

I would like to point out, before I conclude that it is necessary to enact a legislation for establishment of Regional Rural Banks so as to have an institution which would combine the advantages of the co-operatives and commercial banks to effectively serve the rural population especially small and marginal farmers, rural artisans and small entrepreneurs etc.

Sir with these words, I commend the Bill to the House

MR CHAIRMAN: Motion moved.

"That the Bill to provide for the incorporation, regulation and winding up of Regional Rural Banks with a view to developing the rural economy by providing, for the purpose of development of agriculture, trade, commerce, industry and other productive activities in the rural areas, credit and other facilities, particularly to the small and marginal farmers, agricultural labourers, artisans and small entrepreneurs, and for matters connected therewith and incidental thereto, be taken into consideration."

SHRI RAMAVATAR SHASTRI (Patna): Some of us have tabled some amendments. They should be treated as admitted, so that we may get a chance tomorrow to move those amendments.

MR. CHAIRMAN: There is a motion for reference to a Select Committee by Shri Erasmo De Sequeira. Mr. Sequeira is not here. So, it is not moved.

SHRI RAMAVATAR SHASTRI: Those amendments should be treated as moved so that we may get a chance tomorrow to move those amendments.

MR. CHAIRMAN: The discussion will take place. You can send your name.

SHRI S. P. BHATTACHARYYA (Uluberia): Mr. Chairman, Sir, so far as the rural banks are concerned, they will help the rural poor. But, so far as I know, the number of banks which are going to be started is very small according to the requirements of the rural people. If you want that they should really be helpful to the rural people, you must take into account the 70 per cent population of the rural people, who are almost poor peasants or agricultural labourers, who require help, who are compelled to go to the Mahajans for their existence in their difficult time for their needs. If the Government is really going to help them, then it requires finance. Those families, as a whole, in India, will number a minimum of 6-7 crores. If you are to help them by giving at least Rs. 100 or Rs. 200 as loan per year for productive purpose, it will come Rs. 600—1200 crores per year. Then, the purpose of the Government will be really helpful to the poor people.

The question is, if you want to give loans to these persons and want to free them from the clutches of the mahajans, the money-landers or the big traders, then you must create a condition so that these poor persons, maybe agricultural labourers, maybe poor peasants, will be able to utilise the money taken from the bank in a productive way have some surplus, help his family and give back the loan taken from the bank. In this way, the bank will be working properly, not getting liquidated. That condition must be created for the poor peasants and the agricultural labourers.

This requires that these poor peasants must have sufficient land, proper irrigation facilities, seeds and all that so that by utilising a small plot of land, he can produce sufficiently to maintain his family, to sell the surplus, make a profit and give back the loan taken from the bank. That condition must be created That is the basic thing we must think of. How are you going to do that? Without having that in our mind, our efforts will go in a blind way and will not help these poor people.

Next comes the agricultural labour. If you cannot give them land, may be Scheduled Caste or Scheduled Tribes or anybody you must guarantee the minimum wage to the agricultural labourer You must guarantee work to him throughout the year or at least you must develop rural industries so that they can get employment in the rural areas during off time when no harvesting or sowing is going on You must arrange the labour power to be utilised in developing irrigation and other things or some rural industries so that they can employ labour. Then only the agricultural labourer taking loan from the bank can help his family and the bank will be really helpful. Without this broad outlook in our country, the objective of rural Bank to help these poor people will not be fulfilled. I want that the Minister should have some such outlook so that it can really help the rural people.

For this, a radical land reform is required in the rural areas. The Agricultural tax Enquiry Committee Report or Ray Committee Report has already mentioned that 10 per cent of the families are controlling two-thirds of the rural produce. If that is the case, if you are going to help those 90 per cent rural families who are only getting only one-third of the rural produce, then that system must be changed and, for that, a radical reform is required.

You have better seeds and fertilisers and irrigation. Scientists are developing various methods of having sufficient produce from a limited area of land. There is the rotation of crops, etc. You can fully utilise the scientific achievements for the poor people to develop new village industries. And then, there are families who are holding and controlling vast amount of land without being able to utilise it, who become money-lenders at great profits. These must be removed from the village. Then only your rural banks will be helpful; otherwise these rural banks would be the dens of the money lenders. If you don't proceed in that way, it will work as a den for the money lenders: they will take money in the name of agricultural workers and poor peasants and utilise it themselves. I know that there are various parasites in West Bengal also where a land-owner having 30 or 20 acres of land for himself, is grabbing Government land in the name of a number of agricultural labourers. If a Government officer goes there, well, so many labourers are tilling the land, and they will make it appear before the Officer that the agricultural labourers are utilising it. But, really speaking, they are nominal.

The same thing happens in Cooperatives also. Co-operative loans are taken by 'Mahajans' and they utilise them in the villages in the name of the poor people. So, if you really want to help the poor and free them from the cultches of the 'Mahajans' you must have a radical change in the system of village economy and make the economy of the poor peasants and agricultural labourers really productive. This is the main thing I wanted to draw attention to. I would like to know what the Minister thinks about changes in the village life—about the families of agricultural labourers, poor peasants and Scheduled Castes and Scheduled Tribes people. How are you going to create a new life in the village?

Next thing is that you must have representation of the village people—people elected by them somehow or other by some organisation—so that they can really give some idea about the real needs of the people. Officers won't be able to go deep into the life of the people because it is not so easy to go into the life of the village people. It is not easy for an officer from Delhi to realise and understand and also to by-pass the various conspiracies which the big money lenders are habituated to. You cannot see through them without representation of the rural people, without their elected representatives being there.

Another thing is that there was a suggestion from the Minister that the rural bank employees will be paid less and will not be as richly paid as the city bank employees; there must be poorly paid workers serving in the banks. But if you want commerical development of the rural areas, if you want expert bank employees working in the rural areas and develop commercial transactions successfully, then the bank employees must be experts. They must go from the towns with all their knowledge and capacity, leave their families here and remain in the village for a long period and understand the realities of healthy functioning of the banks. Without such experts, your rural banks cannot function. If you do not pay them the minimum that is required and if you, from the beginning, think that you will pay them as little as possible,

[Shri S. P. Bhattacharyya]

then it will not be good; it will not stand the test of the situation, and it will not function well. Therefore, you should see that the employees that you are going to employ are experts and they must be paid at least the minimum that is required, so that they can go into the villages with confidence and security and really help in the development of the rural banks.

With these words, I support the purpose of the Bill, and I think, the Minister will explain the various things that I have raised.

श्री नाथू राम अहिरवार (टीकमगढ़) सभापति महोदय, मंत्री महोदय ने जो विधेयक प्रस्तुत किया है, मैं उनका हृदय से समर्थन करता हूं। क्षेत्रीय बैंकों की स्थापना 20-सूत्री कार्यक्रम के अन्तर्गत की जा रही है। सरकार ने तमाम देश के देहात में फैले हुए गरीब मजदूरों, खेतिहर मजदूरों, छोटे किसानों और छोटे कारीगरों को उनके ऋणों से मुक्त कर दिया है, जो कि अभी तक पूंजीपतियों और पैसा उधार देने वाले साहूकारों के चंगुल में फंसे हुए थे। अब साहूकारों ने उनको कर्ज देना बन्द कर दिया है, इसलिये अगर अब इन बैंकों की स्थापना नहीं होती है, तो उन लोगों की दशा बहुत शोचनीय हो जायेगी।

लेकिन मैं कहना चाहता हूं कि इन क्षेत्रीय बैंकों की स्थापना से ही यह समस्या हल नहीं हो सकती है। यह क्षेत्रीय बैंक 2, 3 या 4 जिलों में या कमिश्नरी लैवल पर स्थापित किये जायेंगे। इस समय डिस्ट्रिक्टस में स्टेट बैंक, कमर्शियल बैंक या अन्य बैंकों की जो शाखाएं हैं, वे आज किसानों, मजदूरों और छोटे धन्धा करने वालों की आवश्यकताओं की पूर्ति नहीं कर पा रही हैं। आज भी उन लोगों को ऋण नहीं मिल पा रहा है। स्टेट बैंक की कुछ शाखाओं ने यह नियम बनाया हुआ है कि वे 10 मील की सीमा के भीतर ही किसानों को ऋण देंगी और उससे बाहर रहने वालों को ऋण नहीं मिलेगा। मेरे क्षेत्र में 10,12 गांव ऐसे हैं जहां 80, 90 बिजली के पम्प लगने हैं। स्टेट बैंक की शाखा ने कहा है कि वह चार गांव के किसानों को ऋण देगी और बाकी के किसानों को बिजली का ऋण नहीं मिलेगा क्योंकि वे सीमा में नहीं आते हैं। इस स्थिति में वे किसान कहां जायें?

मेरा सुझाव यह है कि क्षेत्रीय बैंक की स्थापना करने के साथ सरकार को हर गांव और ग्राम पंचायत लैवल पर ऐसी व्यवस्था करनी चाहिए कि गांव के मजदूर, खेतिहर मजदूर, छोटे कारीगर, छोटा उद्योग-धन्धा करने वाले और छोटे किसान को पोस्ट आफिस या को-आपरेटिव बैंक के माध्यम से ऋण दिया जाये, अन्यथा सरकार का यह मंशा पूरा नहीं हो सकेगा कि उन गरीबों को ऋण की सुविधा दी जाये। आज जिस मजदूर या खेतिहर मजदूर के पास केवल रहने के लिये एक मकान है, जब वह बैंक में जाता है तो उससे पूछा जाता है कि उसका क्रेडिट क्या है, उसकी सिक्योरिटी कौन देगा? मेरा सुझाव यह है कि गवर्नमेंट उसकी सिक्योरिटी दे क्योंकि आज कोई भी मकान या थोड़ी भी जमीन 500 रुपये से कम की नहीं होती है। इस बारे में सरकार को एक लिमिट मुकर्रर कर देनी चाहिये कि कितनी जमीन या मकान ऋण के लिये पर्याप्त समझे जाएंगे और इसके अनुसार हरेक मजदूर और किसान को एक पास बुक दे दी जाये जिससे यह पता लगे कि उसका क्रेडिट 500 रुपये का है।

जो छोटे किसान, खेतीहर मजदूर और सीमांतक किसान हैं उनकी समस्यायें बहुत छोटी होती हैं, छः महीने के लिए वे ऋण लेते हैं साहूकार से और जब उनकी फसल आती है खरीफ की तो ऋण चुका देते हैं। इसी प्रकार से फिर ऋण लेते हैं और रबी

की फसल आने पर साहूकार का ऋण चुका देते हैं। फिर आगे का खाता चालू कर देते हैं। ऐसी स्थिति मे प्रत्येक व्यक्ति जो साहूकार के चुंगल से मुक्त हुआ है उसकी यदि आप सहायता नही करेंगे तो उसके लिए कोई चारा नही है और वह बेचारा बेकार भटकता फिरेगा। इसलिए आप सहकारी समितियो और गाव के पोस्ट आफिसस के माध्यम से उनके लिए ऋणों का व्यवस्था कराए। हर एक आदमी के पास उसकी क्रेडिट लिमिट होनी चाहिये। अगर उसकी जमीन है तो जमीन की, मकान है तो मकान की या और कोई सम्पत्ति है तो उसकी क्रेडिट लिमिट होनी चाहिये। अगर नही है तो ग्राम पचायत के माध्यम से या सहकारी समिति के माध्यम से राज्य सरकार उसकी सिक्योरिटी हो। उसकी लिमिट अगर पाच सौ रुपये हो और वह साल मे सौ दो सौ रुपये लेना चाहता है तो वह ऋण उसको मिले पाच सौ से अधिक उसको न मिले लेकिन पाच सौ रुपये तक उसको ऋण मिलता रहे ताकि वह अपना ऋण लेता रहे और जमा करता रहे। अभी मैं गाव गया था जब हमारे यहा जमीन बट रही थी। तब गाव के लोगो ने कहा कि सरकार ने यह जो किया है कि हरिजन या आदिवासी या छोटे किसानो का ऋण माफ कर दिया जाए जो उन्होंने साहूकारो से लिया है उसका नतीजा यह हो गया है कि अब वे हम को ऋण नही देते हैं और सरकार से भी नही मिलता है। ऐसी स्थिति मे लोग भूखो मर रहे हैं क्योंकि जो कारीगरी का काम करते है या कोई छोटा धधा करते है अगर उनको पूजी न मिले तो वे अपना धधा कैसे करेंगे। पहले साहूकार से लेकर धधा कर लेते थे और अपनी चीजे बेच कर ऋण चुका देते थे। ऐसा सूरत मे जब साहूकारो ने ऋण देना बन्द कर दिया और किसी भी गरीब आदमी को कर्जा देने के लिए कोई तैयार नही है और सरकार को इस बात के लिए राज्य सरकारो के साथ मिल कर पहल करनी चाहिये ताकि उनको ऋण मिल सके। राज्य सरकार उनकी सिक्योरिटी दे और ग्राम लेवेल पर जो सहकारी समितिया हैं या ग्राम सभा लेवेल पर जो आपके बैंक पोस्ट आफिसिस है उनके माध्यम से सरकार उन के लिए ऋण की व्यवस्था करे। नही तो लोगो की जो जो आशाए इस बीस सूत्री कार्यक्रम मे बधी है कि हम को ऋण मिलेगा, हम अपनी खेती की उन्नति करेंगे, अपने उद्योग धधे बढायेंगे, वे आशाए पूरी नही होगी और उनकी समस्या हल नही होगी। उनके सामने एक बहुत बडा सकट आज आ गया है।

आज आप देखे स्टेट बैंक क्या करते है। जो छोटे कारीगर है लुहारी या चर्मकारी का काम करने वाले या जो बुनकर लोग है वे बैंक मे कर्ज ले जाते है पैसा भी अदा कर देते है लेकिन बैंक मे बकायदा यह है कि एक दफा कर्ज पट जाने के चार महीने बाद लोन नही देगें। अब आप बताए कि चार महीने तक वह क्या खाएगा वह बेकार बैठ रहेगा क्योकि उसके पास पूजी नही है। इसलिये कई हथकरघे या बिजली के करघे जो लगाए गए थे उन को ऋण न मिलने की वजह से सब के सब बन्द पडे है और वह भूखो मर रहे है क्यो कि उन को लोन नही मिल पा रहा है। ऐसी स्थिति म मेरा निवेदन है कि जो गरीब लोग है, सीमान्तक किसान है या छोटे छोटे धधे करने वाले कारीगर लोग है जब बैंक उन के भले के लिए खोला जाता है तो वहा उन के सामने इस तरह की अडचन नही आनी चाहिए। जो बडे बडे किसान है वह बडे बडे बैंको से ऋण ले लेते है लेकिन छोटे छोटे किसानो को उस की सुविधा नही मिल पाती है।

मै एक सुझाव यह भी देना चाहता हू कि इन बैंको के जो बोर्ड आफ डायरेक्टर्स

[श्री नाथू राम अहिरवार]

हो उस में वही आदमी न हों जो साहूकारी करते हैं। गरीब लोगों का उस मे प्रतिनिधित्व होना चाहिए। जो सही माने मे गरीबों का भला करे उन्ही लोगो को उस मे प्रतिनिधित्व मिलना चाहिए। इन्ही शब्दो के साथ मैं इस का समर्थन करता हू और आशा करता हूं कि जो मैंने सुझाव दिए है सरकार उन पर गम्भीरता से विचार करेगी और जो आकाक्षाए आपने ग्रामीण लोगों की जगाई हैं उनकी पूर्ति के लिए आप कोई महत्वपूर्ण कदम उठायेंगे।

श्री रामसिंह भाई (इदौर) मै इस बिल का हार्दिक समर्थन करता हू। जिस प्रकार हमारा बीस सूत्री कार्यक्रम जनता के सामने आया, उसे सफल बनाने के उद्देश्य से ही शासन का यह एक बडा भारी कदम है। इस बिल मे जो कुछ बताया गया है और जो मत्री जी ने कहा उसको देखते हुए मैं यह मानता हू कि इस पर कोई टीका टिप्पणी करना एक प्रकार से बीस सूत्री कार्यक्रम का विरोध करने जैसा है। असली बात यह है कि जिस चीज की आवश्यकता है और वह देश में नही है उसकी शुरूआत की जा रही है तो उसका स्वागत करना चाहिये न कि उसका विरोध करना चाहिये। ग्रामीण बैंकों के बारे मे यह भी कहा गया है कि इन में काम करने वाले कर्मचारी आदि शहरो से ही आने चाहियें। मेरा निवेदन है कि आप ट्रेनिंग क्लासिस ऐसी शुरू करे जो देहात के लोगों को ही ट्रेनिंग दे कर इस के लिए तैयार करे और वही बैको को चलाए। यह पहली बात होनी चाहिये हमे शहरों की भीडभाड को रोकना है। देहात के लोगों को शहरो मे आने मे रोकना है और ग्रामीण लोगों को अपने पैर पर खडा करना है। जो उद्देश्य इस बिल मे बताए गए है उन मे यह स्पष्ट कहा गया है। जो सामने स्पष्ट और स्वच्छ दिखाई दे रहा है उस पर धुआं और धूल फेंक कर उसको धुधला करने की कोशिश क्यों की जा रही है।

इस बिल से पार्लिमेंट के मेम्बरों और विधायको को बहुत बडी जवाबदेही बढ जाती है। केवल कर्मचारियों और अधिकारियों को दोष देते रहने से कोई फायदा नही होगा। बीस सूत्री कार्यक्रम के अन्तर्गत जो ऋण मुक्त हुए है जिन बधुआ श्रमिकों को बधन से मुक्त किया जाएगा उन लोगों की सहायता के लिए आप क्यों नहीं पहुचते है। उनकी सहकारी समितिया बनाइये। उनकी मदद करने के लिये विधायक और समद सदस्य पहुचें और उनको इन बैंकों का लाभ दिलाए। इसके बजाय आप पहले ही कहने है कि साहूकार ले जाएंगे, फला ले जाएगे, यह तो गर्भ मे आने के पहले ही आप नाम रखने लग गए। यह क्या काम आप कर रहे है कि चीज है नही और उसका आप नाम रख रहे हैं।

मेरा निवेदन है कि आपने जो एक करोड रुपये की राशि रखी है यह बहुत कम है। इसका कारण यह है कि आप लेंडलैस श्रमिको को भूमि देने जा रहे हैं। जब उनके पास जमीन आएगी और साधन नही होगे तो उस भूमि का वे क्या करेगे। बैल की जोडी भी उनको चाहिये, खेती के साधन चाहिये, जरूरत हुई तो ट्यूबवेल भी लगाने पडेगे क्योंकि आप छोटे छोटे टुकडे देने जा रहे हैं, पचास या पच्चीस एकड तो किसी को वे नहीं रहे हैं। पांच सात एकड किसी को मिल गए तो उस में सिंचाई का साधन वह क्या लगाएगा। तो जो यह 1 करोड की राशि प्रत्येक बैंक के लिए आप ने रखी है यह मेरे ख्याल से बहुत कम है।

दूसरी बात मैं यह निवेदन करूंगा कि फाइनेंस डिपार्टमेंट आप के पास है, एक काम इन बैंकों के साथ साथ आप यह और

करिए कि आने वाले बजट में आइ टी आई के लिए ज्यादा अनुदान दीजिये और एक एक तहसील लेवेल पर आइ टी आइ कायम कर के ग्रामीण लोगों को तालीम देने की व्यवस्था कीजिए जिस में वे लोहारी का काम, सोनारी का काम, चर्मकारी वगैरह का काम सीख सकें। यह जो 20 सूत्री कार्यक्रम का उद्देश्य है बन्धक श्रमिकों को मुक्त कराना गरीब लोगों को ऋण से मुक्त कराना, लोगों को अपने पैरों पर खड़ा करना और साथ साथ आप ने उस में यह भी रखा है कि हैंडलूम्स को प्रोत्साहन देना, यह पार्लियामेंट के मेम्बर्स और विधायकों का काम है कि उस काम में वे आगे आएं. जैसे जहां बुनकर लोग है उन्हें इकट्ठा कर के उन की कोआपरेटिव सोसाइटी बनाए . . .

एक माननीय सदस्य : आप ने कितनी बनाई है ?

श्री राम सिंह भाई : मैं ने बनाई है । मेरे साथ आएंगे तो नाचेंगे आप । मेरे साथ आइए मेरा काम तो देखिए । आपने कुछ देखा नहीं है । मेरे साथ मदान में आइये । बैठे बैठे काम नहीं चलेगा । आप कोआपरेटिव सोसाइटीज बनाये, उनके लिए सूत का इन्तजाम करें और उनके तैयार माल को बेचने का काम करें। खाली गाल बजाने से या जबान हिलाने से कोई काम नहीं होता है । विरोधी दलों की बात तो यह है कि जबान हाथ भर की चलती है लेकिन मगज हाथ नहीं चलता है । इसलिए जबान चलाने से ही काम नहीं चलेगा, जब आप हाथ, पैर, मस्तिष्क से काम लेंगे तभी काम चलेगा ।

दूसरी बात यह है कि जो बोर्ड बनने जा रहा है उसमें मंजे हुए कर्मठ लोग होने चाहिये । आपका जो उद्देश्य है वह बहुत पवित्र है और वह यह है कि बीस सूत्री कार्यक्रम को सफल बनाया जाये । तो फिर यह आवश्यक है कि ऐसे लोग जो बीस सूत्री कार्यक्रम में पूर्ण विश्वास रखते हों, जिनको गरीबों के प्रतिहमदर्दी हो उन्हीं लोगों को इस बोर्ड में डायरेक्टर रखिये ।

मैं और अधिक कहना नहीं चाहता हूं क्योंकि इसमें नुक्ता चीनी करने की कोई गुंजायश ही नहीं है । एक पवित्र उद्देश्य के लिए पवित्र काम किया जा रहा है । इसके लिए मैं मंत्री महोदय को मुबारकबाद देता हूं और चाहता हूं उन बातों पर ज्यादा ध्यान दिया जाये जिनको मैं ने निवेदन किया है । आप अगले बजट में तहसील लेविल पर आई टी आई के लिये ज्यादा प्रावधान करें ताकि देहात के लोगों को ज्यादा से ज्यादा ट्रेनिंग मिले, देहातों में ज्यादा से ज्यादा उद्योग धन्धों का विकास हो और लोग अपने पैरों पर खड़े हो सकें । वह लोग भाग भाग कर शहरों की ओर न जाये जिससे कि शहरों की भीड़ भाड़ भी कम हो । मैं बिल का समर्थन करता हूं ।

श्री सरजू पांडे (गाजीपुर) : मंत्री जी ने इस बिल को पेश करते हुए कहा है कि गांवों में कर्जे से मुक्ति दिलाने के लिए इस बिल की व्यवस्था की गई है और बीस सूत्री कार्यक्रम के अन्तर्गत इन बैंकों को खोलने की योजना बनाई गई है । अभी हमारे रामसिंह भाई बोल रहे थे, मैं उनसे कहना चाहता हूं कि बीस सूत्री कार्यक्रम की माला जपने से काम नहीं हो जायेगा । हम सब इसको मानने वाले हैं, अकेले आप ही नहीं है । आप कोआपरेटिव सोसायटी की बात कर रहे है, मैं समझता हूं इससे ज्यादा भ्रष्टाचार किसी और विभाग में नहीं है । मैं अपने उत्तर प्रदेश के सम्बन्ध में दावे के साथ कह सकता हूं कि वहां पर कोआपरेटिव्स में करोड़ों रुपये का गबन है । भाइयों ने जानी सोसायटिया बना कर कर्जे ले लिए जिनसे गरीबों को कोई लाभ नहीं मिला । इन्हीं की तरह नेता लोग उसमें हैं जिनकी मदद के लिए पूरी सरकार

[श्री सरजू पांडे]

खड़ी हो जाती है । तो इस तरह का भ्रष्टाचार कोआपरेटिव्स में फैला हुआ है । कोआपरेटिव को रजिस्टर कराना भी एक बड़ा भारी काम है । अगर आप चाहें कि किसी कोआपरेटिव को रजिस्टर करवा लें तो बड़ा मुश्किल काम होता है । मुझे मालूम है । मैंने एक सोसायटी, को रजिस्टर कराने की कोशिश कीतो उसमें पूरा एक साल लग गया और वर्कर मेरी जानकारी के कोआपरेटिव विभाग से लोगों ने घूस भी ले लिए । ऐसी हालत मे यह कहना कि सिर्फ विधायक या एम०पी० इस काम को कर लेंगे, वह मुमकिन नही है ।

समाजवादी जो, भारी संख्या मे गावों के लोग कर्जा लेते हैं । गावों की बड़ा भारी आबादी कृषि पर निर्भर रहती है जिनमे खेतिहर मजदूर, छोटे किसान और बुनकर लोग होते है । महाजनों ने वहा बड़ी लूट मचा रखी है । एक रुपए पर सवा रुपया सूद लेते हैं । उनकी पूरी जायदाद और घर नीलाम करवा लेते है । उन्ही लोगों का सुरक्षा के लिए यह बिल आया है—यह मंत्री जी ने कहा है लेकिन केवल 8 बैंकों की व्यवस्था पूरे देश मे हुई है । हमारे उत्तर प्रदेश मे 33 जिले पिछड़े हुए है जहां लोग भूख मरते हैं । उनको खाने के लिए सहूलियत भी नही मिलती है । उनको कर्जा मिलता नहीं है । अगर इसी हिसाब से बैंक खोले गए तो मैं समझता हू यह काम चालीस सूत्री कार्यक्रम मे भी पूरा होने वाला नही है बीस सूत्री कार्यक्रम की बात ही छोड़ दीजिए । अगर इस योजना को सफल बनाना है तो आप बड़े पैमाने पर इन बैंकों की स्थापना कीजिए । अभी जो बैंक खुले है—जैसा कि अभी माननीय सदस्य कह रहे थे—उनकी कर्जा देने की लिमिट है और वह जायदाद की रजिस्ट्री कराते हैं । सरकारी आदेश यह है कि बैंक खुद ही उनकी जायदाद की रजिस्ट्री करले लेकिन कोई बैंक रजिस्ट्री नहीं कराता है । अगर ट्रेक्टर या पम्पिंग सेट के लिए कोई कर्जा लेता है तो रजिस्ट्री रजिस्ट्रार के यहां करानी पड़ती है । अगर मैं चालीस हजार या बीस हजार कर्जा लेना चाहता हू तो तीन चार हजार जायदाद की रजिस्ट्री और घूस मे देने पड़ते हैं । इसके लिए इसमे कोई प्रोसीजर ले डाउन नही है । किस तरह से कर्जा दिया जायेगा वह बैंको पर छोड़ दिया गया है । बैंक अपने 2 अलग प्रोसीजर बनाते हैं और लोगों को परेशान करते हैं । मैंने जौनपुर मे देखा एक गाव मे कर्जा दिया जा रहा था । वह कह रहे थे कि मैं आज दि स्पाट कर्जा दिलवा रहा हू और रजिस्ट्री करवा रहा हूं लेकिन कहीं और जगह यह देखने को नहीं मिलता है । कर्जे के लिए गारन्टी देना और जमानतदार लाना बड़ा मुश्किल होता है । इसलिए इस ऐक्ट मे यह प्रोवीजन होना चाहिए कि कैसे कर्जा दिया जायेगा लेकिन उस बात को बैंको पर छोड़ दिया गया है ।

इसमे जो बोर्ड आफ डायरेक्टर्स है उसमें दो केन्द्रीय सरकार के नामिनेटेड है, दो तीन राज्य सरकारों के नामिनेटेड होंगे और 15 मेम्बरों तक और सेन्ट्रल गवर्नमेन्ट नामिनेट करेगी लेकिन किस प्रकार के लोग लिये जायंगे इसकी कोई व्यवस्था नही है । इस प्रकार तमाम सूदखोर और बदमाश लोग इन बैंको मे आ जायेंगे और जिस तरह से कोआपरेटिव बैंक मे बड़े बड़े लोग कर्जा लेते है वही बात यहा पर भी हो जायेगी । जैसा कि माननीय सदस्य ने कहा, बोर्ड आफ डायरेक्टर्स मे गरीबों को रखा जाये और उनके चुनाव की व्यवस्था की जाये । कम से कम आप यह नियम बनाये कि बोर्ड आफ डायरेक्टर्स मे कितने लोग एग्रीकल्चर के होंगे, कितने किसान होंगे, केवल ब्यूरोक्रेसी के हाथ में ही सब कुछ न दे दीजिए जोकि शोषण करने वाले हैं । लेकिन इस बात की कोई व्यवस्था नही की गई है ।

सबसे बड़ी आश्चर्य की बात यह है कि इन बैंकों में जो कर्मचारी काम करेंगे उनकी जो सुविधाएं होंगी वह स्टेट गवर्नमेन्ट के कर्मचारियों की तरह से होंगी । माननीय सदस्य ने ठीक कहा कि कितने कर्मचारी गांवों में जाने के लिए तैयार होंगे ? इसका मतलब यह होगा कि वही लोग जायेंगे जो बैंकों का काम नहीं जानते, नौकरी के लालच में वहां जायेंगे और वहां जाकर भ्रष्टाचार करेंगे, बैंकों को लूटेंगे । मेरा सुझाव है कि आप अपने कर्मचारियों और इन बैंकों के कर्मचारियों की सुविधाओं में कोई फर्क न करें बल्कि इनको ज्यादा दें क्योंकि यह सोचना कि गांवों में रहने पर खर्चा कम होता है और शहरों में खर्चा ज्यादा होता है यह विचार गलत है । गांवों में रहने वाले लोगों को अपने बच्चों की तालीम की व्यवस्था, दवा दारू की व्यवस्था करना बड़ा मुश्किल होता है । इसलिए गांवों में रहने के लिए जो कर्मचारी तैयार होंगे उनको अगर आप ठीक पैसा नहीं देंगे तो कोई वहां जाने को क्यों तैयार होंगे ? और जो जाएंगे वह गरीबों को लूटेंगे । वह अपनी फैमिली शहर में रखेंगे और खुद गांव में रहेंगे तो रोज भाग भाग कर शहर में आएंगे । नाजायज तरीके से पैसा जमा करने की कोशिश करेंगे । इसलिए आप इस क्लाज में अमेंडमेंट कीजिए और अपनी व्यवस्था को बदलिए ।

तीसरी बात यह है कि बैंकों का जो कर्ज देने की व्यवस्था है उन में सोसाइटी भी शामिल है, इंडिविडुअल्स की है, छोटे काश्तकार, किसान मजदूर सभा के लिए व्यवस्था की गई है उस में ऐसा होता है कि सोसाइटियां गलत तरीके से बना कर लोग पैसा ले लेते हैं, इंडिविडुअल्स को भी कर्जा देते हैं तो ऐसे बहुत सारे लोग हैं जो व्यक्तिगत लोगों को समझाबुझा कर उन से पैसा ले लेंगे और खा जाएंगे, फिर मुसीबत में डालेंगे । इसलिए इस हालत को बदलना पड़ेगा ।

जहां तक जमीनों के बंटवारे की बात है मैं अपने उत्तर प्रदेश की बात जानता हूं कि टोटल झूठ कागज पर लिख दिया गया है । एक भी आदमी को जमीन नहीं मिल रही है । सारे कागजात में दिखा दिया कि जमीन बांट दी गई । लेकिन वह बिलकुल झूठ है । एक भी आदमी को मौके पर कब्जा नहीं मिला है । आज भी बड़े बड़े लोग उन जमीनों पर काबिज हैं । कोआपरेटिव्ज की भी वही हालत है । रूरल बैंक में भी अगर इसी तरह लूज होल छोड़ देंगे तो वहां भी वही होगा जैसे कि आज बैंक वाले कर्जा देने में परेशान करते हैं । बड़े बड़े लोगों को कर्जा दिया जाता है । कितना भी चाहे बैंकों से वह रुपया ले सकते हैं । लेकिन छोटे आदमी को कर्जा लेने में बहुत परेशानी उठानी पड़ती है । उस को तरह तरह से परेशान करते हैं । इसलिए मेरा सुझाव है कि इस में दो तीन बातें हैं जिन को दूर किया जाय । एक तो बोर्ड आफ डायरेक्टर्स में किसानों, मजदूरों और खेतिहर मजदूरों के लिए व्यवस्था की जाय और बिल को इस तरह से अमेंड किया जाय कि बोर्ड आफ डायरेक्टर्स में वह पहुंच सकें बैंक कर्मचारियों की तनख्वाहों में कोई फर्क न कीजिये । तीसरी बात—इस बैंक को ज्यादा से ज्यादा गांवों में खोलने की कोशिश कीजिये और जल्दी से जल्दी खोलिये । यहां कई भाइयों ने सुझाव दिया है कि आज गांवों के अन्दर किसान को कर्जा नहीं मिल रहा है, छोटे-छोटे रोजगार बन्द है । हमारे पूरब में तो ऐसी मुसीबत है कि बेचारा गरीब आदमी कर्जे पर निर्भर करता है, साहूकार ने कर्जा देना बन्द कर दिया है, उन की आर्थिक मुसीबत में पड़ी हुई है, बैंक से कर्जा मिलता नहीं है । इसलिये कम से कम उन हिस्सों में जो देश के पिछड़े हुए हिस्से हैं क्योंकि पूंजीवादी अर्थ व्यवस्था का यह दोष है कि अमीर अमीर होता है और गरीब गरीब होता है, जो इलाके आगे बढ़े हुए हैं, वहीं पर सारे काम होते हैं—इसलिए पिछड़े

[श्री सरजू पांडे]

इलाकों में, जिन के आकड़े आप के पास मौजूद हैं, जो आर्थिक तौर पर पिछड़े इलाके हैं, जहां ज्यादा गरीबी है, जहां खेत मजदूरों पर आर्थिक भार ज्यादा है, उन इलाकों में बैंक खोलने के काम को प्राथमिकता दी जानी चाहिये।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूं और उम्मीद करता हूं कि इस बिल को इस तरह से बनाया जायगा ताकि आम तौर से गरीब लोग इस से फायदा उठा सकेंगे।

SARDAR SWARAN SINGH SOKHI (Jamshedpur) Sir, I welcome this Bill which has been brought forward for developing the rural economy and to help small and marginal farmers, agricultural labourers and artisans Since this is a bill for the Regional Rural Banks, I would like to know what will be the area covered by this region and whether the region would consist of one district of five or ten districts It has not been clarified in this Bill So, my suggestion would be that each region should have one district and not like Regional Commissioners having five or six districts under them

Sir, this Bill will certainly help the poor farmers whose lands were grabbed by the moneylenders who used to charge a very high interest from them Once a loan is taken by the poor farmer, he is unable to pay the loan to the moneylenders So I would suggest that no corruption should be there in the banks because if a farger goes to the bank for the loan or even if a labourer or small entrepreneur goes to the bank for the loan, he does not get the loan unless a bribe is given to the employees In many cases, the bank staff takes 25 per cent or 50 per cent of the loan that has been sanctioned to them Besides the rate of interest charged on the loan should be very nominal. Nothing is mentioned about the rate of interest here. I say that it should be very nominal and not at the bank rate as the interest charged by the banks in some places is very very high

Coming to the board of directors, I would suggest that of the three directors nominated by the State, two should be lady directors Another thing is this The staff of the regional rural banks should be employees from the same region Only when suitable persons are not available, people from outside the region should be brought in.

Another thing that I would like to suggest is this Fifty per cent of the staff in these banks should be women and there should be equal remuneration offered to women for equal work. This should also be implemented Sir, the loans granted to artisans, farmers and agricultural labour should be granted very liberally but it should be seen that these loans are not used for some other purposes because if they spend this amount on marriages then they will not be able to return the loan

Further, Sir, in case any property of a poor farmer is sold through litigation it should be first offered to the local people and not to the outsiders.

With these words I support this Bill

श्री मुहम्मद जमीलुर्रहमान (किशनगंज) मोहतरिम चेयरमैन साहब, यह बिल रूरल बैंकों की बाबत हमारे मोहतरिम दोस्त ने पेश किया है, मैं इस की पुरजोर ताईद करता हूं। इसकी हिमायत में मैं चन्द अलफाज कहना चाहता हूं—पहली बात तो यह है कि जब मैंने इस के एम्स एण्ड आब्जैक्टस

को पढ़ा तो वाकई मझे इतमिनान हुआ कि जो हम इतने दिनों मे नही कर पाये थे, अब हम इस डायनमिक लीडरशिप की बुनियाद पर कुछ करने के रास्ते पर चल रहे हैं ।

जनाब चेयरमैन साहब, बैको की बाबत जो यह बिल लाया गया है—सही मायनो में यह गाव के लोगो को खिदमत के लिये लाया गया है। इस के स्टेटमेन्ट आफ आब्जैक्टस एण्ड रीजन्ज से यह बात साफ तौर से बतला दी गई है कि यह बिल मदद करेगा

particularly to the small and marginal farmers, agricultural labourers, artisans and small entrepreneurs and for matters connected therewith and incidental thereto

लेकिन जब मैंने इस को गौर से देखा तो मुझे कुछ ऐसा महसूस हुआ कि इस मे कुछ कमी है, इसलिये मैं कुछ सुझाव अपने लायक दोस्त को देना चाहता हू और अगर वे मेरे सुझावो को मान लेंगे तो मुझे इतमिनान होगा कि अब गाव के लोगो की सही खिदमत हो सकती है, जो इस बिल की मन्शा भी है ।

पहली बात तो यह है कि कलाज 3 सब-क्लाज 3 मे रेक्रूटमेन्ट एण्ड ट्रेनिग की बाबत कहा गया है । मेरी गुजारिश यह है कि इस मे एग्रीकल्चरल ग्रेजुएटस का कही भी इन्वाल्वमेन्ट नही है, उन का इस के साथ इन्वाल्वमेन्ट होना बहुत जरूरी है । यह मामला गाव से ताल्लुक रखता है, इसलिये आप चाहे जिस फाम मे रखें, जो अमेण्डमेन्ट करना चाहे कर, लेकिन उन का इन्वाल्वमेन्ट इस मे जरूर होना चाहिये ।

दूसरी बात—आप इस बैंक को गाव के लोगों के फायदे के लिये खोल रहे है, लेकिन गाव के लोगों के इन्वाल्वमेन्ट का इस मे कही भी तज़किरा नहीं है । इसलिये मेरी गुजारिश है कि गाव के लोगो को इस लाइन पर ट्रेनिग दें, सिखायें, ताकि वे लोगो के दिल की बात आप के बैंक डायरेक्टर्स के आगे रख सकें और इस से जनता को फायदा हो सके । इस लिये मैं अर्ज कर रहा था कि इन के एप्वाइन्टमेंट और रक्रूटमेन्ट, ट्रेनिंग आफ परसोनल के सिलसिले मे इस बात पर खास तौर मे ध्यान दे । चूकि आप ने इस मे टाइम फैक्टर रखा है—5 साल का, इस लिए मेरी गुजारिश है कि इस पर जरूर गौर करें ।

हमारे यहा बैको का जो राष्ट्रीयकरण हुआ, उस से तो मुझे बडी नाउम्मीदी हुई है । जिस मकसद के लिये राष्ट्रीयकरण किया गया था, वह बिलकुल बेसिकली फौत कर गया है, उस पर ठीक तौर से काम नही हो पाया हैं । मिसाल के तौर पर मेरी अपनी कास्टीचुएन्सी मे कुछ अनएम्पलाएड ग्रेजुएटस को सरकार की तरफ से मीडियम क्लाथ की दुकान का लाइसेंस देकर दुकान कराने की जो बात कही गई थी, उस मे रेस्ट्रिक्शन लगा दी गई है कि 8 किलोमीटर से बाहर के लोगों को लोन नही देगे । मैं जानना चाहता हू कि क्या कोई ऐसा गाव है जो शहर के नजदीक है ? अगर है भी तो वह तो शहर का ही एक हिस्सा माना जायगा । इसलिये इस 8 किलोमीटर की कैद को हटाइये क्योकि इस से लोगो मे नाउम्मिदी फैल गई है, और रूल्स में रिलेक्सेशन कीजिये । जिस बात को हम करना चाहते हैं वह रूल्स को बन्धन की वजह से नही कर पा रहे हैं । इसलिये उस बन्धन को आप हटाइये जिस से लोगो को फायदा हो ।

जहा तक नौकरी मिलने का सवाल है आप नेशनलाइज्ड बैक्स की ऐम्प्लायमेंट लिस्ट को देख लीजिये कि उस मे कितने हरिजन, आदिवासी और माइनारिटीज के लोग हैं । एक परसेंट भी नही मिलेंगे । और

[श्री मुहम्मद जमीलुर्रहमान]

कितने लोग गांवों के हैं ? इसलिये मेरी गुजारिश है कि जिस मकसद के लिये आप यह बिल लाये हैं उस को पूरा करें और जहां आप यह बैंक खोलना चाहते हैं वहां के लोगों को ही आप ट्रेनिंग दें, एमप्लायमेंट दें, उन को बतायें कि सामाजिक जिन्दगी कैसे बेहतर बनायी जा सकती है, बैंक से कैसे पैसा ले कर समाज को कैसे बेहतर बना सकते हैं ।

अब क्लाज (9) देखिये बरमार है चेयरमन, डायरेक्टर वगैरह की ।

Clause 9 . . " not more than two directors, to be nominated by the concerned State Government, and (c) not more than three directors to be nominated by the Sponsor Bank."

लेकिन जिनके लिये आप ने मेमोरेन्डम मे कहा है, एम्स और ओबजेक्ट स में कहा है, उन के एक भी रिप्रजेन्टेटिव का हवाला नहीं है । मेरी राय है कि मार्जिनल फार्मर्स का, स्माल फ़ार्मर्स का, ऐग्रीकल्चर लैंडलेस लेबरर का, आर्टिज़न का, स्माल एंटरप्रेन्योर का एक एक रिप्रेजेन्टेटिव लीजिये । और जो जिला परिषद बन रही है, या जहां बन चुकी है, उस के चेयरमन को भी इसमे लीजिये क्योंकि वह गांव की ज्यादा जानकारी रखता है ।

जहां तक औरतों की बात है उन को कलरिकल जाब्स मे रखना चाहिये । जिस से गांव की औरत और बढ़ चढ़ कर समाज का काम करेगी ।

इसी तरह से क्लाज (11) में आप ने कहा है:

"Clause 11—The Central Government shall appoint an individual to be the Chairman of a Regional Rural Bank and specify the period, not exceeding five years ....."

I suggest that it should be not more than three years, because in the preceding section you say this.

आप ने कहा है कि मेम्बर्स की लाइफ दो साल रहेगी । और अगर आप ऐक्सटेंशन देना चाहते हैं तो दो साल के लिये दे सकते हैं । लेकिन दो साल देने के बाद उन को नेक्स्ट टर्म नहीं देना चाहिये ।

इसी तरह से क्लाज (12) के अन्दर आप ने कहा है ।

"Clause 12· A person shall be disqualified for being appointed or, as the case may be, nominated as, and for being director, if he, (a) (b) . (c) ... if charged with corruption. यह जोड दीजिए । क्योंकि मारल टर्पीटयूड एक जनरल चीज है । अगर कोई डायरेक्टर या मेम्बर जिस के ऊपर करप्शन का चार्ज है तो he will be disqualified to be nominated as a Member or Chairman of the Board.

क्लाज 17 में रीजनल रूरल बैंक्स के स्टाफ की बाबत कहा गया है, ठीक है जिस ढंग से अच्छा चले उस में मुझे कोई एतराज नहीं है । लेकिन मेरी गुजारिश है कि लोकल लोगों को नहीं भूलना चाहिये और उन को भी एम्पलायमेंट देना चाहिये जिस से बैंक अच्छी तरह से चल सके ।

जैसा कि माननीय सदस्य सोढी जी ने कहा है कि रीजनल रूरल बैंक की जो डेफीनीशन होनी चाहिये थी वह नही हो पायी है । मेरी राय में आप ब्लाक को एक एक रीजन मानिये, हर ब्लाक की करीब लाख, सवा लाख की पौपुलेशन है, इसलिए दो तीन ब्लाक्स को शामिल कर के बनाइये, और जो बैकवर्ड एरियाज हैं जैसे नौर्थ बिहार में पूर्णिया, मधुबनी और पूरनिया में किशनगंज सब-डिवीजन मे जरूर एक बैंक खोलिये ।

जहां तक लोन का सवाल है, लोन देने का जो मकसद है उस को पूरा करने के लोन के रूल्स को आप रिलक्स करें और कम से कम बन्धन लगाये जिस से आप का मकसद पूरा हो सके । यहा माननीय सदस्यों ने कहा है कि लैंडलैस लेबरर्स को जमीन बांटी गई है । तो बैंक को वहा फौरन पहुंचना चाहिये ताकि उन को जल्दी पैसा मिल सके । नही तो जो भी जमीन आप ने दी है उस का मकसद हीं पूरा नहीं होगा । इसलिए मेरी गुजारिश है कि बैंक को उन भूमिहीन लोगों की मदद करनी चाहिये जिस से वह लोग मिली हुई जमीन से कुछ पैदा कर सकें । उन को कर्जा मुहैया कराने में आप के रूल्स और रैगूलेशन्स के बंधन में कमी आनी चाहिये, मतलब यह कि उन मे रिलेक्सेशन किया जाना चाहिये ।

बैंक ऐम्प्लाईज की पे के बारे मे आप ने कहा है कि स्टेट गवर्नमेंट से पूछ कर दी जायगी । यह बिल्कुल ठीक है । लेकिन आप ने मार्केटिंग सर्विसेज के बारे मे कुछ नहीं कहा है । आर्टिजंस या लैंडलेस लेबरर्स वगैरह जिन को आप लोन प्रोवाइड करते है उस का जो आउट-पुट होगा उस की मार्-केटिंग का भी आप बन्दोबस्त करे । इस से दो फ़ायदे होंगे । एक तो लोन की सेक्योरिटी हो जायगी और दूसरे प्राइस लाइन मेनटेन रहेगी । इसलिये जो मकसद रूरल बैंक्स खोलने का है वह पूरा होगा ।

इस बिल के आने से मनीलैंडर्स को बड़ा धक्का लगा है क्यों कि उन का कारोबार प्रैक्टीकली बन्द हो गया है । मनीलैंडर्स का रेट आफ इंटरेस्ट भी बहुत ज्यादा था । लेकिन इधर भी कुछ कम नही है—18 परसेंट तक है । अगर आप गाव के लोगो को वाकई कर्ज दिलाना चाहते है तो इंटरेस्ट की दर मे भी कमी करनी होगी ।

इन अल्फ़ाज के साथ मैं इस बिल का तहेदिल से पुरज़ोर ताईद करता हूं । यह तवारीख का एक सुनहरा चैप्टर है जो हमारी लीडरशिप ने देश को दिया, इस से पहले कभी किसी ने ऐसा सौशलिस्टिक बिल लाने की नही सोची । यह बिल अगर किसी ने लायी है तो हमारी सरकार ने लायी है ।

[شری محمد جمیل الرحمان (کشن گنج) : محترم چیرمین صاحب، یہ بل رورل بنکوں کی بابت ہمارے محترم دوست نے پیش کیا ہے - میں اسکی پرزور تائید کرتا ہوں - اسکی حمایت میں میں چند الفاظ کہنا چاہتا ہوں - پہلی بات تو یہ ہے کہ جب میں نے اسکے ایمز اینڈ آبجیکٹس کو پڑھا تو واقعی مجھے اطمینان ہوا کہ جو ہم اتنے دنوں سے نہیں کر پائے تھے اب ہم اس نیشنلائزڈ لیڈر شپ کی بدولت ہر کچھ کرنے کے راستے پر چل رہے ہیں -

جناب چیرمین صاحب، بنکوں کی بابت جو یہ بل لایا گیا ہے

[شری محمد جمیل الرحمان]

صحیح معنوں میں یہ گاؤں کے لوگوں کی خدمت کے لئے لیا گیا ہے - اس کے سٹیٹمنٹ آف آبجیکٹس اینڈ ریزنز میں یہ بات صاف طور سے بتا دی گئی ہے کہ یہ بل مدد کریگا -

Particularly to help the small and marginal farmers, agricultural labourers, artisans and small entrepreneurs and for matters connected therewith and incidental thereto.

لیکن جب میں نے اسکو غور سے دیکھا تو مجھے کچھ ایسا محسوس ہوا کہ اس میں کچھ کمی ہے ، اس لئے میں کچھ سجھاؤ اپنے لائق دوست کو دینا چاہتا ہوں اور وہ میرے سجھاؤں کو مان لیں گے تو مجھے اطمینان ہوگا کہ اب گاؤں کے لوگوں کی صحیح خدمت ہو سکتی ہے جو اس بل کی ملنشا بھی ہے -

پہلی بات تو یہ ہے کہ کلاز 3 سب-کلاز (3) میں ریکورڈ مینٹ اینڈ ٹریننگ کی بابت کہا گیا ہے- میری گذارش یہ ہے کہ اس میں ایگریکلچرل کریڈیبلیٹس کا کہیں بھی انوالمینٹ نہیں ہے - اُنکا اِسکے ساتھ انوالمینٹ ہونا بہت ضروری ہے - یہ معاملہ گاؤں سے تعلق رکھتا ہے اس لئے آپ چاہے جس فارم میں رکھیں ، جو امینڈمینٹ چاہیں کریں ، لیکن اُنکا انوالمینٹ اس میں ضرور ہونا چاہیئے

دوسری بات ، آپ اِس بنک کو گاؤں کے لوگوں کے فائدے کے لئے کھول رہے ہیں، لیکن گاؤں کے لوگوں کے انوالمینٹ کا اس میں کہیں بھی تذکرہ نہیں ہے-اِس لئے میری گذارش ہے کہ گاؤں کے لوگوں کو اس لائن پر ٹریننگ دیں - سکھائیں، تاکہ وہ لوگوں کے دل کی بات آپ کے بنک ڈائریکٹرز کے آگے رکھ سکیں اور اس چلتا کو فائدہ ہو سکے - اس لئے میں عرض کر رہا تھا کہ ان کے تقرر اور ریکروٹمینٹ ، ٹریننگ آف پرسونل کے سلسلے میں اس بات پر خاص طور سے دھیان دیں - چونکہ آپ نے اس میں ٹائم فیکٹر رکھا ہے پانچ سال کا، اس لئے میری گذارش ہے کہ اس پر ضرور غور کریں -

ہمارے یہاں بنکوں کا جو راشٹریہ کرن ہوا اس سے تو مجھے بڑی نا امیدی ہوئی ہے - جس مقصد کے لئے راشٹریہ کرن کیا گیا تھا وہ بالکل بنیادی طور پر فوت کر گیا ہے اس پر ٹھیک طور سے کام نہیں ہو پایا ہے - مثال کے طور پر میری اپنی کانسٹی ٹیوایئنسی میں کچھ ان ایمپلائمنٹ کریجویٹس کا سرکار کی طرف سے میڈیم کلاتھ کی دوکان کا کنسیشنس دے کر دوکان کرانے کی جو بات کہی گئی تھی اس میں رجسٹریشن لٹا دی گئی

اب کلاز (۹) دیکھئے بھر مار ہے چیر مین، ڈائریکٹر وغیرہ کی -

Clause 9 . "not more than two directors, to be nominated by the concerned State Government and (c) not more than three directors to be nominated by the sponser Bank."

لیکن جن کے لئے آپ نے میمورنڈم میں کہا ہے ، ایمز اور آبجیکٹس میں کہا ہے ، ان کے ایک بھی ریپرزنٹو کا حوالہ نہیں ہے - میری رائے ہے کہ مارجنل فارمرز کا ، سمال فارمرز کا ، ایگریکلچول لیبرنگ لیس لیبرر کا ، آرٹیزن کا ، سمال اینٹرپریانیو کا ایک ایک نمائیندہ لیجئے - اور جو ضلع ہیڈ کوارٹر بن رہی ہے جہاں بن چکی ہے ان چیرمین کو بھی اس میں لیجئے کیونکہ وہ گاؤں کی زیادہ جانکاری رکھتا ہے -

جہانتک عورتوں کی بات ہے ان کو کلیریکل جابس میں رکھنا چاہئے - جس سے گاؤں کی عورتیں بڑھ چڑھ کر سماج کا کام کرینگی -

اسی طرح سے کلاز (۱۱) میں آپ نے کہا ہے :

"Clause 11—The Central Government shall appoint an individual to be the Chairman of a Regional Rural Bank and specify the period, not exceeding five years ....."

I suggest that it should be not more than three years, because in the preceding section you say this.

ہے کہ آٹھ کلو میٹر سے باہر کے لوگوں کو قرضہ نہیں دیں گے - میں جاننا چاہتا ہوں کہ کیا کوئی ایسا گاؤں ہے جو شہر کے نزدیک ہے ؟ اگر ہے بھی تو وہ تو شہر کا ہی ایک حصہ مانا جائیگا - اس لئے اس آٹھ کلومیٹر کی قید کو ہٹائیے کیونکہ اس سے لوگوں میں نا امیدی پھیل گئی ہے - اور رولس میں ریلیکسیشن کی جائے - جس بات کو ہم کہنا چاہتے ہیں وہ رولس نے بندھن کی وجہ سے نہیں کہ پا رہے ہیں - اس لئے اس بندھن کو آپ ہٹائیے ، جس سے لوگوں کو فائدہ ہو -

جہانتک نوکری ملنے کا سوال ہے آپ نیشنلائزڈ بنکس کی ایمپلائمینٹ لسٹ کو دیکھ لیجئے کہ اس میں کتنے ہریجن، آدی واسی اور مائنارٹیز کے لوگ ہیں - ایک پرسینٹ بھی نہیں ملیں گے - اور کتنے لوگ گاؤں کے ہیں ؟ اس لئے میری گزارش ہے کہ جس مقصد کے لئے آپ یہ بل لائے ہیں اسکو پورا کریں - اور جہاں آپ یہ بنک کھولنا چاہتے ہیں وہاں کے لوگوں کو ہی آپ ٹریننگ دیں، ایمپلائمینٹ دیں، ان کو بتائیں کہ سماجک زندگی کیسے بہتر بنائی جا سکتی ہے - بنک سے کیسے پیسہ لے کر سماج کو کیسے بہتر بنا سکتے ہیں -

[شری محمد جمیل الرحمان]

آپ نے کہا ہے کہ مسودہ کی لائف دو سال رہے گی - اور اگر آپ ایکسٹینشن دینا چاہتے ہیں تو دو سال کے لئے دے سکتے ہیں - لیکن دو سال دینے کے بعد اُن کو نیکسٹ ٹرم نہیں دینا چاہئے -

اسی طرح سے کلاز (12) کے اندر آپ نے کہا ہے :

"Clause 12.—A person shall be disqualified for being appointed or, as the case may be, nominated as, and for being director, if he, (a).... (b) .... (c).....if charged with corruption."

یہ جوز دیجئے - کیونکہ مارل ٹربیچیوڈ ایک جنرل چیز ہے - اگر کوئی ڈائریکٹر یا ممبر جس کے اوپر کرپشن کا چارج ہے تو

he will be disqualified to be nominated as a member or Chairman of the Board.

کلاز 17 میں ریجنل رورل بنکس کے سٹاف کی بابت کہا گیا ہے، ٹھیک ہے، جس ڈھنگ سے اچھا چل سکے اس میں مجھے کوئی اعتراض نہیں ہے - لیکن میری گزارش ہے کہ لوکل لوگوں کو نہیں بھولنا چاہئے اور ان کو بھی ایمپلائمنٹ دینا چاہئے جس سے بنک اچھی طرح سے چل سکے -

جیسا کہ مانئیہ منسٹر سوگھی جی نے کہا ہے کہ ریجنل رورل بنک کی جو ڈیفینیشن ہونی چاہئے تھی وہ نہیں ہو پائی ہے - میری رائے میں آپ بلاک کو ایک ایک ریجن سمجھئے، ہر بلاک کی آبادی ہے، اسلئے دو تین بلاکس کو شامل کر کے بنایئے، اور جو بیکورڈ ایریاز ہیں جیسے نارتھ بہار میں پورنیہ، مدھوبنی اور دربھنگہ میں کشن گنج سب ڈویژن میں ہر ایک بلاک کھولئے -

جہانتک قرضے کا سوال ہے، قرضہ دینے کا جو مقصد ہے اُسکو پورا کرنے میں قرضے کے رولز کو آپ ریلیکس کریں اور کم سے کم بندھن لگائیں جس سے آپ کا مقصد پورا ہو سکے - یہاں مانئیہ منسٹر نے کہا ہے کہ لینڈ لیس لیبررز کو زمین بانٹی گئی ہے - تو بلاک کو وہاں فوراً پہنچنا چاہئے تاکہ اُنکو جلدی پیسہ مل سکے - نہیں تو جو بھی زمین آپ نے دی ہے اُسکا مقصد ہی پورا نہیں ہوگا - اسلئے میری گذارش ہے کہ بنک کو اُن بھومی ہین لوگوں کی مدد کرنی چاہئے جس سے وہ لوگ ملی ہوئی زمین سے کچھ پیدا کر سکیں - اُن کو قرضہ مہیا کرانے میں آپکے رولز اور ریگولیشنز کے بندھن میں کمی آنی چاہئے - مطلب یہ کہ اُن میں ریلیکسیشن کیا جانا چاہئے -

بنک ایمپلائیز کی تنخواہ کے بارے میں آپ نے کہا ہے کہ سٹیٹ گورنمنٹ

ہے 18 پرسینٹ تک ہے - اگر آپ گاؤں کے لوگوں کو واقعی قرض دلانا چاہتے ہیں تو انٹریسٹ کی دو میں کمی کرنی ہوگی -

ان الفاظ کے ساتھ میں اس بل کا تہہ دل سے پر زور تائید کرتا ہوں- یہ تواریخ کا ایک سنہرا چیپٹر ہے- جو ہماری لیڈرشپ نے دیش کو دیا - اس سے پہلے کبھی کسی نے ایسا شوشلسٹک بل لانے کی نہیں سوچی - یہ بل اگر کسی نے لائی ہے تو ہماری سرکارنے لائی ہے -]

MR CHAIRMAN Now the House stands adjourned to meet at 11 O'clock tomorrow

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, January 21, 1976 Magha 1, 1897 (Saka)

سے پوچھ کر دی جائیگی - یہ بالکل ٹھیک ہے - لیکن آپ نے مارکیٹنگ سروسز کے بارے میں کچھ نہیں کہا ہے - آرٹی زن یا لینڈلیس لیبررز وغیرہ جنکو آپ قرضہ پرووائڈ کرتے ہیں اُس کا جو آوٹ پٹ ہوگا اُسکی مارکیٹنگ کا بھی آپ بندوبست کریں - اِس سے دو فائدے ہونگے - ایک تو قرضے کی سیکیوریٹی ہو جائیگی اور دوسرے پرائس لائن مہنگائی رہے گی - اِسلئے جو مقصد رورل بانکس کھولنے کا ہے وہ پورا ہوگا -

اِس بل کے آنے سے ملی لینڈرز کو بڑا دھکا لگا ہے کیونکہ اُن کا کاروبار پریگنیکلی بند ہو گیا ہے- ملی لینڈرز کا ریٹ آف انٹریسٹ بھی بہت زیادہ تھا - لیکن ادھو بھی کچھ کم نہیں

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